

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1126

H.P. 803

House of Representatives, February 9, 1999

**An Act to Increase Internal Plumbing Fees and Remedy Inconsistencies
in Plumbing Laws.**

Submitted by the Department of Human Services pursuant to Joint Rule 204.
Reference to the Committee on Business and Economic Development suggested and
ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative COWGER of Hallowell.
Cosponsored by Senator DOUGLASS of Androscoggin and
Representatives: BROOKS of Winterport, COLWELL of Gardiner, DUPLESSIE of
Westbrook, McKEE of Wayne, RICHARDSON of Brunswick, SHIAH of Bowdoinham.

Be it enacted by the People of the State of Maine as follows:

2
4 **Sec. 1. 30-A MRSA §4211, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6 **1. Municipal ordinances.** Municipalities may enact
8 ordinances under their home rule authority ~~which that~~ are more
10 ~~restrictive than rules governing plumbing or subsurface waste~~
12 ~~water wastewater disposal systems adopted by the department~~
14 ~~Department of Professional and Financial Regulation and the~~
16 ~~Department of Human Services, respectively.~~ ~~The Either~~
18 department may provide technical assistance to municipalities in
20 the development of ordinances under this subchapter, pertaining
22 to their respective rules. The municipality shall enforce any
24 such ordinance.

16 **Sec. 2. 30-A MRSA §4211, sub-§2**, as amended by PL 1993, c.
18 404, Pt. C, §1, is further amended to read:

20 **2. State rules.** No A municipal ordinance may not be less
22 restrictive than the rules of the department relating to ~~plumbing~~
24 ~~or subsurface waste-water wastewater~~ disposal systems as adopted
26 under Title 22, section 42. The rules of the department
28 relating to all ~~plumbing--or~~ subsurface ~~waste--water~~ wastewater
disposal systems have full force and effect, provided that, to
the extent that a municipality has enacted more restrictive
ordinances, the provisions of those ordinances prevail.

28 **Sec. 3. 30-A MRSA §4211, sub-§5**, as amended by PL 1997, c.
30 106, §1, is further amended to read:

32 **5. Permit fees.** The following permit fees may be charged.

34 A. A plumbing permit fee of \$4 ~~\$6~~ per internal fixture may
36 be charged.

38 ~~B. -- A maximum plumbing permit fee of \$4 may be charged for~~
~~all other internal plumbing work.~~

40 C. A minimum fee, not to exceed ~~\$12~~ \$24, may be charged for
42 all internal plumbing permits combined.

44 D. A nonengineered subsurface ~~waste--water~~ wastewater
disposal system fee not to exceed \$100 may be charged.

46 **Sec. 4. 30-A MRSA §4212, sub-§§1 and 2**, as amended by PL 1989,
48 c. 104, Pt. C, §§8 and 10, are further amended to read:

1. **Administration of rules.** The department is responsible for ensuring the proper administration of the ~~plumbing--and subsurface waste--water~~ wastewater disposal rules and permitting processes by municipalities. The department shall assist municipalities in complying with this subchapter and with section 3428.

2. **Review.** The department shall review the administration of ~~plumbing--and subsurface waste--water~~ wastewater disposal rules and laws in each municipality for compliance with this subchapter and with section 3428. This review shall must be made on a regular basis and may be made in response to a written complaint from any person as necessary. The department shall inspect the municipality's records and discuss the administration of the program with the local plumbing inspector. The local plumbing inspector shall be available during the department's review and shall cooperate in providing all necessary information. The department shall report the results of its review in writing to the municipality and, when applicable, to the complainant. The written notice shall must set forth the department's findings of whether the municipality is in compliance with this subchapter and section 3428.

Sec. 5. 30-A MRSA §4214, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§4214. Legislative intent

It is the intent of the Legislature that local jurisdictions have primary responsibility for enforcing rules adopted by the department governing the installation and inspection of ~~plumbing and subsurface waste--water~~ wastewater disposal systems. The adoption of rules by the department does not deny municipal authority under section 3001 to adopt more restrictive ordinances.

Sec. 6. 30-A MRSA §4215, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. **Fees.** The plumbing inspector shall issue any permit under this section upon receipt and approval of a completed application form as prescribed by the commissioner and payment by the applicant of the fee established by the municipality. The fee must be at least the minimum amount determined by rule of the department. One-quarter of the amount of the minimum fee shall must be paid through the department to the Treasurer of State to be maintained as a permanent fund and used by the department to implement its ~~plumbing--and subsurface waste--water~~ wastewater disposal rules and, ~~to train--and--certify--local--plumbing inspectors administer the receipt and collation of completed permits and to issue plumbing permit labels to the municipality~~

2 and by the State Planning Office for training and certification
3 of local plumbing inspectors. The remainder of the fee shall
4 must be paid to the treasurer of the municipality.

6 SUMMARY

8 This bill increases plumbing permit fees and removes
9 references to rules governing plumbing adopted by the Department
10 of Human Services. It allows a municipality to enact ordinances
11 under its home rule authority that are more restrictive than
12 rules governing plumbing adopted by the Department of
13 Professional and Financial Regulation. It also provides that a
14 portion of plumbing permit fees paid must be used by the
15 Department of Human Services to administer the receipt and
16 collation of completed permits and the issuance of plumbing
17 permit labels to municipalities and by the State Planning Office
18 for training and certification of local plumbing inspectors.