

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 249

H.P. 214

House of Representatives, January 23, 2001

**An Act to Amend the Rule-making Process Regarding the State's
Plumbing Code.**

(EMERGENCY)

Reference to the Committee on Business and Economic Development suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TOBIN of Windham.
Cosponsored by Senator TURNER of Cumberland and
Representatives: CLARK of Millinocket, CLOUGH of Scarborough, DUDLEY of Portland,
KANE of Saco, McLAUGHLIN of Cape Elizabeth, MURPHY of Kennebunk,
RICHARDSON of Brunswick.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4
6 **Whereas,** the Plumbers' Examining Board is scheduling a
rule-making process to adopt a plumbing code by reference; and

8 **Whereas,** the proposed plumbing code to be adopted is
disadvantageous to both the consumers of plumbing services and
10 the municipal plumbing regulators who oversee plumbing
installations; and

12
14 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18
20 **Be it enacted by the People of the State of Maine as follows:**

22 **Sec. 1. 32 MRSA §3403-B, sub-§1,** as enacted by PL 1997, c.
727, Pt. C, §9, is amended to read:

24 **1. Plumbing and plumbing code.** The board shall adopt
minimum rules relating to plumbing, including a plumbing code.
26 All rules, including installation and inspection rules, must be
consistent with this chapter and Title 30-A, chapter 185,
28 subchapter III, except that the authority of municipalities to
adopt more restrictive ordinances under Title 30-A, section 3001
is not preempted. Rules adopted pursuant to this section are
30 ~~routine-technical~~ major substantive rules as defined in Title 5,
chapter 375, subchapter II-A.
32

34 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.
36

38 **SUMMARY**

40 This bill changes the Plumbers' Examining Board's authority
to adopt a state plumbing code by designating these rules as
42 major substantive instead of routine technical rules.