

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 1331

H.P. 994

House of Representatives, March 5, 2001

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### **An Act to Establish the Maine Building Rehabilitation Code.**

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Reference to the Committee on Natural Resources suggested and ordered printed.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative KOFFMAN of Bar Harbor.  
Cosponsored by Senator TREAT of Kennebec and  
Representatives: DUPLESSIE of Westbrook, LEMOINE of Old Orchard Beach,  
McLAUGHLIN of Cape Elizabeth, TOBIN of Windham, Senators: ABROMSON of  
Cumberland, GAGNON of Kennebec, MARTIN of Aroostook, NUTTING of Androscoggin.

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

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Sec. 1. 5 MRSA c. 314-A is enacted to read:

CHAPTER 314-A

MAINE BUILDING REHABILITATION CODE

§3346. Maine Building Rehabilitation Code

There is established the Maine Building Rehabilitation Code, referred to in this chapter as the "code," which is designed to augment existing fire and life safety provisions of law. The provisions of this chapter do not supersede the planning, zoning or subdivision authority of local jurisdictions.

1. Complex project. The code must contain provisions that give an opportunity for a person proposing a complex rehabilitation project involving multiple codes, prior to the submission of a construction permit application, to meet with all local officials or their designees responsible for permit approval and enforcement in construction-related laws and rules that may be applicable to the rehabilitation project. The purpose of the meeting must be to anticipate and expedite the resolution of problems a complex rehabilitation project may have in complying with the applicable laws and rules and the code.

§3347. Maine Building Rehabilitation Code Advisory Council

1. Council established; membership. In order to encourage and facilitate the rehabilitation of existing buildings the Maine Building Rehabilitation Code Advisory Council, referred to in this chapter as the "council," is established. The council is composed of 15 members as follows:

A. The Director of the State Planning Office, or the director's designee;

B. The State Fire Marshal, or the fire marshal's designee;

C. The Commissioner of Economic and Community Development, or the commissioner's designee;

D. The Director of the Maine Historic Preservation Commission, or the director's designee; and

E. Eleven members appointed by the Governor, including:

(1) Two representatives of the building trades who are directly involved or have experience in code setting or

2 enforcement, including plumbers; electricians; heating,  
4 ventilation, air conditioning and refrigeration  
contractors; and boiler operators;

6 (2) An architect practicing in the State whose  
8 practice involves a significant portion of  
rehabilitation projects;

10 (3) A professional engineer;

12 (4) A contractor specializing in rehabilitation  
construction;

14 (5) Two representatives of municipal government;

16 (6) A commercial or industrial building owner or  
18 developer;

20 (7) A multifamily building owner or developer;

22 (8) A local fire official; and

24 (9) A local building code official.

26 From among the members of the council, a chair must be designated  
by a vote of the members.

28 2. Duties. The council shall:

30 A. Advise the State Planning Office on the development,  
32 adoption and revisions to the code;

34 B. Provide technical advice on the interpretation of the  
code to property owners, design professionals, contractors,  
36 local jurisdiction code officials and local jurisdiction  
code appeal boards;

38 C. To the extent possible, develop the code to avoid  
40 increased costs to local jurisdictions arising from  
implementation of the code;

42 D. To the extent provided in the state budget, ensure that  
training on the code is provided to code enforcement  
44 officials and other public and private construction-related  
professionals; and

46 E. In cooperation with the Executive Department, State  
48 Planning Office, review the code and adopt any necessary or  
desirable revisions at least every 3 years beginning with  
50 the year 2004.

2       3. Terms. The terms of the initial appointed members of  
3       the council expire as follows:

4           A. Three members in 2002;

6           B. Three members in 2003;

8           C. Three members in 2004; and

10          D. Two members in 2005.

12       The members' terms must be determined by lot. After the initial  
14       term, members serve for 3-year terms. A vacancy on the board  
16       must be filled for the balance of the unexpired term in the same  
17       manner as the original appointment is made.

18       4. Compensation. The members of the council are entitled  
19       to compensation in accordance with section 12004-I. Agency  
20       representatives on the council are entitled to reimbursement for  
21       expenses incurred in the performance of their council duties by  
22       the appointing agencies in accordance with the provisions for  
23       state employees.

24       5. Staff. The council is staffed by the Executive  
26       Department, State Planning Office.

28       **§3348. Local authority**

30       A local jurisdiction may adopt local amendments to the code  
31       that apply only to the local jurisdiction. A local jurisdiction  
32       amending the code shall furnish a copy of the amendment to the  
33       council. Any local amendments must be consistent with existing  
34       rules and laws enforced by the Department of Public Safety.

36       **§3349. Incentives for adopting code**

38       All local jurisdictions that adopt the code are eligible for  
39       certain state incentives.

40       Sec. 2. 5 MRSA §12004-I, sub-§6-G is enacted to read:

42 <u>6-G.</u>	<u>Maine</u>	<u>Expenses</u>	<u>5 MRSA</u>
44 <u>Economic</u>	<u>Building</u>	<u>Only</u>	<u>§3347</u>
46 <u>Development</u>	<u>Rehabilitation</u>		
	<u>Code Advisory</u>		
	<u>Council</u>		

