

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 529

H.P. 414

House of Representatives, February 6, 2003

An Act To Clearly Define the State Fire Marshal's Powers

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CRESSEY of Baldwin.

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

4 **Sec. 1. 25 MRSA §2404** is enacted to read:

6 **§2404. Rulemaking**

8 **1. Rulemaking.** The State Fire Marshal shall adopt rules to
10 define the standards and conditions for all actions relating to
12 the review of permits for construction or alteration of public
14 buildings. Notwithstanding any provision of Title 5, chapter
16 375, the effective date of a rule adopted pursuant to this
18 section is 90 days after the public comment period has been
20 closed. A permit for construction or alteration of a public
building that is filed prior to the effective date of a rule is
not subject to the rule. The State Fire Marshal may not adopt a
rule that conflicts with the national codes listed in subsection
2. The State Fire Marshal may not reject or require a change of
any item of an application for construction or alteration of a
public building unless the rejection or change is necessary to
conform with a rule adopted pursuant to this section.

22 **2. National codes.** The State Fire Marshal shall adopt
24 pursuant to subsection 1 the national building code of the
26 Building Officials Code Administrators International, Inc. or a
28 successor organization; the international plumbing code of the
International Code Council or a successor organization; and the
National Fire Code of the National Fire Protection Association or
successor organization.

30 **3. Rules.** Rules adopted pursuant to this section are major
32 substantive rules as defined in Title 5, chapter 375, subchapter
2-A.

34 **Sec. 2. 25 MRSA §2453, 2nd ¶,** as enacted by PL 1999, c. 384,
36 §19, is repealed.

38 **Sec. 3. 25 MRSA §2453,** as amended by PL 2001, c. 31, §1, is
further amended by adding at the end a new paragraph to read:

40 This section does not apply to a townhouse, apartment
42 building or condominium that is subject to a permit for new
construction.

44 **SUMMARY**

46 This bill requires the State Fire Marshal to adopt major
48 substantive rules pertaining to all aspects of review of
50 construction permits and requires the State Fire Marshal to adopt
as rule the national building code of the Building Officials Code
Administrators International, Inc., the international plumbing

2 code of the International Code Council and the National Fire Code
of the National Fire Protection Association. This bill requires
4 the effective date of a rule adopted by the State Fire Marshal to
be 90 days after public comment is closed and exempts from the
6 rule any building permit filed before the effective date of the
rule. This bill also exempts townhouses, apartment buildings and
8 condominiums that are subject to a permit for new construction
from the requirement of having 2 means of egress other than a
window for each story above the first story.