

# MAINE STATE LEGISLATURE

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# 123rd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2007

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Legislative Document

No. 851

S.P. 261

February 23, 2007

### **An Act To Facilitate the Upgrading and Preservation of Existing Building Structures**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.

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

2 **Sec. 1. 10 MRSA §9701, sub-§3** is enacted to read:

3 **3. International Fire Code.** "International Fire Code" means the 2003 version of  
4 the International Fire Code.

5 **Sec. 2. 10 MRSA §9703, sub-§1**, as enacted by PL 2003, c. 580, §1, is repealed.

6 **Sec. 3. 25 MRSA §2396, sub-§6**, as amended by PL 1979, c. 42, is further  
7 amended to read:

8 **6. Means of egress.** The adequacy of means of egress, in the case of fire, from  
9 factories, asylums, hospitals, churches, schools, halls, theaters, amphitheatres,  
10 dormitories, apartment or rooming houses, hotels, motels and all other places in which  
11 numbers of persons work, live or congregate from time to time for any purpose ~~which~~  
12 that comes within the scope of the current edition of the ~~National Fire Protection~~  
13 ~~Association No. 101, Life Safety International Fire Code~~ ; and

14 **Sec. 4. 25 MRSA §2452, sub-§1-A** is enacted to read:

15 **1-A. Sources for rules.** Rules adopted pursuant to this section must include a  
16 uniform fire and life safety code based on standards established by the International Code  
17 Council.

18 **Sec. 5. 25 MRSA §2452, sub-§1-B** is enacted to read:

19 **1-B. Existing structures.** Rules that address the modification of existing building  
20 structures must allow for preserving the artistic and architectural integrity of historical  
21 building structures when feasible without unreasonable risk to life and safety. Rules must  
22 also provide for varying degrees of safety requirements depending on the type of  
23 construction and the level of risk that may arise from variations in building type and  
24 intensity of use. The commissioner is required to balance the economic consequences of  
25 proposed rules with the need for reasonable safety requirements when considering any  
26 proposed rule to require installation of fire safety equipment or devices in existing  
27 buildings. The commissioner shall adopt rules that define different building use groups  
28 and levels of risk for each group, providing corresponding distinctions in safety  
29 requirements for different uses and hazards. The rules adopted pursuant to this section  
30 must apply to secured vacant buildings only to the extent necessary to eliminate hazards  
31 affecting adjoining properties. Rules adopted pursuant to this section are routine technical  
32 rules as defined in Title 5, chapter 375, subchapter 2-A.

33 **Sec. 6. 25 MRSA §2452, 2nd ¶ from the end**, as amended by PL 2003, c. 535,  
34 §3, is further amended to read:

35 Existing boarding care facilities licensed pursuant to Title 22, Subtitle 6 must comply  
36 with the applicable fire safety requirements of the ~~Life Safety International Fire Code~~  
37 adopted by the Commissioner of Public Safety pursuant to Title 22, section 7856.

1         **Sec. 7. 25 MRSA §2452, last ¶**, as amended by PL 2003, c. 535, §3, is further  
2 amended to read:

3             Existing children's homes licensed pursuant to Title 22, Subtitle 6 must comply with  
4 the applicable fire safety requirements of the ~~Life Safety~~ International Fire Code of the  
5 ~~National Fire Protection Association~~ adopted by the Commissioner of Public Safety  
6 pursuant to Title 22, section 8103.

7         **Sec. 8. Maine Revised Statutes amended; revision clause.** Wherever in the  
8 Maine Revised Statutes the words "the Life Safety Code" or "Life Safety Code of the  
9 National Fire Protection Association" or "National Fire Protection Association No. 101,  
10 Life Safety Code" appear, they are amended to read "International Fire Code, " and the  
11 Revisor of Statutes shall implement this revision when updating, publishing or  
12 republishing the statutes.

13

### SUMMARY

14             This bill directs the Commissioner of Public Safety to adopt a uniform fire and life  
15 safety code based on standards established by the International Code Council. It repeals  
16 the provision of law that requires fire and safety codes to be enforced instead of the  
17 Model Building Code when there exists a conflict between the codes. It also requires the  
18 commissioner to adopt rules for the modification of existing building structures that allow  
19 for the preservation of artistic and architectural integrity of historical building structures  
20 and for varying degrees of safety requirements depending on the type of construction and  
21 the level of risk that may arise from variations in building type and intensity of use.