

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 816

H.P. 612

House of Representatives, March 3, 2011

An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings

Submitted by the Department of Public Safety pursuant to Joint Rule 204.
Reference to the Committee on Labor, Commerce, Research and Economic Development
suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative BLODGETT of Augusta.

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

2 **Sec. 1. 25 MRSA §2357-A**, as enacted by PL 2009, c. 261, Pt. B, §7, is amended
3 to read:

4 **§2357-A. No occupancy without certificate; appeal**

5 Subject to the provisions of Title 10, chapter 951, a building may not be occupied
6 until the building official has given a certificate of occupancy for compliance with the
7 Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103,
8 pursuant to the required inspections in section 2373 that the building has been built in
9 accordance with section 2353-A, and so as to be safe from fire. The ~~inspector of buildings~~
10 building official may issue the certificate of occupancy upon receipt of an inspection
11 report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The
12 municipality has no obligation to review a report from a 3rd-party inspector for accuracy
13 prior to issuing the certificate of occupancy. If the owner permits it to be so occupied
14 without such certificate, the owner must be penalized in accordance with Title 30-A,
15 section 4452. In case the building official for any cause declines to give that certificate
16 and the builder has in the builder's own judgment complied with section 2353-A, an
17 appeal may be taken to the municipal officers and, if on such appeal it is decided by them
18 that the section has been complied with, the owner of the building is not liable to a fine
19 for want of the certificate of the building official.

20 This section takes effect December 1, 2010.

21 **Sec. 2. 25 MRSA §2371, sub-§2**, as enacted by PL 2007, c. 699, §11, is amended
22 to read:

23 **2. Building official.** "Building official" means a building official appointed pursuant
24 to section ~~2351~~ 2351-A.

25 **Sec. 3. 25 MRSA §2448-A, sub-§2, ¶A**, as enacted by PL 2009, c. 364, §2, is
26 amended to read:

27 A. A municipal ~~inspector of buildings~~ building official has been appointed pursuant
28 to section ~~2351~~ 2351-A.

29 **SUMMARY**

30 This bill replaces the term "inspector of buildings" with the term "building official" in
31 2 locations in the statutes and corrects cross-references.