

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1217

H.P. 908

House of Representatives, March 22, 2011

**Resolve, Directing the Office of the State Fire Marshal To Amend
Its Rules Relative to Construction Permit Applications**

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

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

HEATHER J.R. PRIEST
Clerk

Presented by Representative MOULTON of York.
Cosponsored by Senator SULLIVAN of York and
Representatives: BENNETT of Kennebunk, CHASE of Wells, HOGAN of Old Orchard Beach,
MALABY of Hancock, PICCHIOTTI of Fairfield, RICHARDSON of Carmel, WEAVER of
York.

1 **Sec. 1. Rules. Resolved:** That the Department of Public Safety, Office of the
2 State Fire Marshal shall amend its rules pertaining to a construction permit application to
3 include the following.

4 **1. Application.** The rules must specify the:

5 A. Contents of the application, consistent with the standards applicable for the
6 permit;

7 B. Form of submissions;

8 C. Length of time within which the State Fire Marshal must conduct inspections of
9 completed work; and

10 D. Consequences when a construction fails an inspection, including information on
11 what measures the applicant must take to correct work not performed according to the
12 approved permit.

13 **2. Written comments.** The rules must include a mechanism to include a municipal
14 public safety agency's comment on a construction permit application. The comments
15 from a municipal public safety agency must be taken into account when the Office of the
16 State Fire Marshal approves or denies a construction permit application. The rules must
17 address situations in which no comments from a municipal public safety agency were
18 included in the construction permit application.

19 **3. Review; appeal.** The rules must set a length of time for the State Fire Marshal to
20 act on and review a construction permit application and how an applicant may appeal a
21 denial of a construction permit application.

22 **4. Additional work; safety requirement.** The rules must establish standards for
23 requiring additional work and more stringent safety measures than first identified on the
24 approved construction permit; and be it further

25 **Sec. 2. Major substantive rules. Resolved:** That rules adopted pursuant to
26 section 1 are major substantive rules as defined in the Maine Revised Statutes, Title 5,
27 chapter 375, subchapter 2-A.

28 **SUMMARY**

29 This resolve requires the Department of Public Safety, Office of the State Fire
30 Marshal to amend its rules pertaining to the construction permit application process. It
31 requires the rules to specify what needs to be included in the construction permit
32 application, to permit inclusion of comments from a municipal public safety agency, to
33 include a review and appeals process and to set standards for requiring additional work
34 and more stringent safety measures.