

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2012

§1457-A. Liability for use of ethanol-enhanced motor fuel

A distributor, blender or retail dealer is not liable for damages caused by the use of motor fuel containing more than 10% ethanol sold, consigned or distributed by that distributor, blender or retail dealer if the sale, consignment or distribution of that motor fuel is in accordance with federal law and the fuel is a transportation fuel or fuel additive that has received a waiver for introduction into interstate commerce by the Administrator of the United States Environmental Protection Agency pursuant to 42 United States Code, Section 7545(f)(4) (2011).

See title page for effective date.

CHAPTER 633**H.P. 1312 - L.D. 1787**

**An Act To Create Efficiencies
in the Administration and
Enforcement of the Maine
Uniform Building and
Energy Code**

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

Sec. 1. 5 MRSA §948, sub-§1, ¶L, as amended by PL 2009, c. 317, Pt. A, §1, is further amended to read:

L. Director, Maine Emergency Medical Services; and

Sec. 2. 5 MRSA §948, sub-§1, ¶M, as enacted by PL 2009, c. 317, Pt. A, §1, is amended to read:

M. Director, Bureau of Consolidated Emergency Communications; and

Sec. 3. 5 MRSA §948, sub-§1, ¶N, as enacted by PL 2009, c. 317, Pt. A, §1, is repealed.

Sec. 4. 10 MRSA §9042, sub-§3, as amended by PL 2005, c. 344, §19, is further amended to read:

3. Exemption. Notwithstanding the provisions of Title 25, section ~~2357~~ 2357-A and Title 30-A, section 4358, new manufactured housing that is manufactured, brokered, distributed, sold, installed or serviced in compliance with this chapter is exempt from all state or other political subdivision codes, standards, rules or regulations that regulate the same matters. A building permit or certificate of occupancy may not be delayed, denied or withheld on account of any alleged failure of new manufactured housing to comply with any code, standard, rule or regulation from which the new manufactured housing is exempt under this subsection.

Sec. 5. 10 MRSA §9722, sub-§1, as enacted by PL 2007, c. 699, §6, is amended to read:

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of Public Safety, Office of the State Fire Marshal, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd-party inspectors.

Sec. 6. 10 MRSA §9723, sub-§2, as enacted by PL 2007, c. 699, §6, is amended to read:

2. Training program standards; implementation. The committee shall direct the training coordinator of the ~~Bureau~~ Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Executive Department, State Planning Office, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

Sec. 7. 25 MRSA §2371, sub-§3, as enacted by PL 2007, c. 699, §11, is repealed.

Sec. 8. 25 MRSA §2371, sub-§5-A is enacted to read:

5-A. Division. "Division" means the Division of Building Codes and Standards established in section 2372.

Sec. 9. 25 MRSA §2372, as enacted by PL 2007, c. 699, §11, is amended to read:

§2372. Division of Building Codes and Standards

1. Established. The ~~Bureau~~ Division of Building Codes and Standards is established within the Department of Public Safety, Office of the State Fire Marshal to provide administrative support and technical assistance to the board in executing its duties pursuant to Title 10, section 9722, subsection 6.

2. Staff. The commissioner may appoint or remove for cause staff of the ~~bureau~~ division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the ~~bureau~~ division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of

the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

- (1) Providing nonbinding interpretation of the code for professionals and the general public; and
- (2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and

B. An office specialist to provide administrative support to the ~~bureau~~ division and the board.

Sec. 10. 25 MRSA §2373, sub-§4, as enacted by PL 2007, c. 699, §11, is amended to read:

4. Third-party inspectors. Reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in section ~~2357~~ 2357-A that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector.

Sec. 11. 25 MRSA §2374, as amended by PL 2009, c. 213, Pt. M, §3, is further amended to read:

§2374. Uniform Building Codes and Standards Fund

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the ~~bureau~~ division under this chapter and the activities of the board under Title 10, chapter 1103 and the Executive Department, State Planning Office under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety and the Executive Department, State Planning Office shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

Sec. 12. 25 MRSA §2450-A, as enacted by PL 2007, c. 699, §13, is amended to read:

§2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards Fund

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities

of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to ~~the~~ Title 10, chapter 1103, the activities of the ~~Bureau~~ Division of Building Codes and Standards under chapter 314 and the activities of the Executive Department, State Planning Office under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund established by section 2374.

Sec. 13. 25 MRSA §2901, as amended by PL 2009, c. 317, Pt. E, §3, is further amended to read:

§2901. Department; commissioner

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over criminal justice matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following: the Bureau of State Police, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Bureau of Highway Safety, the Maine Drug Enforcement Agency, Maine Emergency Medical Services, the Bureau of Capitol Security, the Bureau of Consolidated Emergency Communications, ~~the Bureau of Building Codes and Standards~~ and the Gambling Control Unit.

Sec. 14. 25 MRSA §2902, sub-§10, as enacted by PL 2009, c. 317, Pt. E, §8, is amended to read:

10. Maine Emergency Medical Services. The Maine Emergency Medical Services, which is under the direction of the Director of Maine Emergency Medical Services; and

Sec. 15. 25 MRSA §2902, sub-§11, as enacted by PL 2009, c. 317, Pt. E, §9, is repealed.

Sec. 16. Report on transition; authority to report out a bill. No later than January 15, 2014, the Department of Public Safety, Office of the State Fire Marshal shall provide a report to the joint standing committee of the Legislature having jurisdiction over labor, commerce, research and economic development matters that details the transition of the Technical Building Codes and Standards Board to the Office of the State Fire Marshal and that provides an update on the funding for the operation of the board and the training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The joint standing committee of the Legislature having jurisdiction over labor, commerce, re-

search and economic development matters is authorized to report out a bill concerning the details of this report to the Second Regular Session of the 126th Legislature.

Sec. 17. Appropriations and allocations.
The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Bureau of Building Codes and Standards Z073

Initiative: Eliminates one Director, Bureau of Building Codes and Standards position.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$89,895)
	\$0	(\$89,895)
OTHER SPECIAL REVENUE FUNDS TOTAL		

Bureau of Building Codes and Standards Z073

Initiative: Reallocates the cost of one Public Safety License Inspector Supervisor position from 100% Fire Marshal - Office program to 50% Fire Marshal - Office program and 50% Bureau of Building Codes and Standards program.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	\$0	\$48,795
	\$0	\$48,795
OTHER SPECIAL REVENUE FUNDS TOTAL		

Fire Marshal - Office of 0327

Initiative: Reallocates the cost of one Public Safety License Inspector Supervisor position from 100% Fire Marshal - Office program to 50% Fire Marshal - Office program and 50% Bureau of Building Codes and Standards program.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
POSITIONS - LEGISLATIVE COUNT	0.000	(0.500)
Personal Services	\$0	(\$48,795)
	\$0	(\$48,795)
OTHER SPECIAL REVENUE FUNDS TOTAL		

**PUBLIC SAFETY,
DEPARTMENT OF**

DEPARTMENT TOTALS	2011-12	2012-13
OTHER SPECIAL REVENUE FUNDS	\$0	(\$89,895)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$89,895)

See title page for effective date.

CHAPTER 634

S.P. 624 - L.D. 1806

**An Act To Promote
Transparency in Government**

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

Sec. 1. 1 MRSA §1012, sub-§1-A, as enacted by PL 2003, c. 268, §1, is amended to read:

1-A. Associated organization. "Associated organization" means any organization in which a Legislator or a ~~Legislator's spouse~~ member of the Legislator's immediate family is a managerial employee, director, officer or trustee; or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

Sec. 2. 1 MRSA §1012, sub-§7, as corrected by RR 2001, c. 1, §6, is amended to read:

7. Income. "Income" means economic gain to a person from any source, including, but not limited to, compensation for services, including fees, commissions and payments in kind; gross income derived from business; ~~gains~~ gross income derived from dealings in property, rents and royalties; gross income from investments including interest, capital gains and dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; ~~distributive share of distributions from a partnership income or limited liability company~~; gross income from an interest in an estate or trust; prizes; and grants, but does not include gifts or honoraria. Income received in kind includes, but is not limited to, the transfer of property and options to buy or lease, and stock certificates. "Income" does not include: alimony and separate maintenance payments, child support payments or campaign contributions accepted for state or federal office or funds or other property held in trust for another, including but not limited to money to be spent on behalf of a client for payment of a licensing or filing fee.