

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1498 - L.D. 2223

An Act to Increase Funding for Construction Plan Reviews and Clarify Rule-making Authority for Municipal Reviews of Development

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

Sec. 1. 25 MRSA §2448-A, sub-§2, as amended by PL 2011, c. 94, §3, is further amended to read:

2. Registration. A municipality shall comply with all rules adopted by the commissioner pursuant to this section as a condition of registration. The commissioner shall register municipalities to grant permits for projects under subsection 1 if the commissioner finds that the municipality meets all of the following criteria.

- A. A municipal building official has been appointed pursuant to section 2351-A.
- B. The municipality has an employee that is certified as a plan reviewer by the National Fire Protection Association.
- C. The municipality has adopted by reference the fire codes adopted by the Office of the State Fire Marshal pursuant to sections 2452 and 2465.
- D. The municipality has adequate resources to administer and enforce the provisions of the fire codes under paragraph C.
- E. The procedures for public hearing and notification have been established including:
 - (1) Notice to the commissioner upon receipt of an application, including a description of the project;
 - (2) Notice of issuance and denial to the applicant and commissioner, including the reason for denial;
 - (3) Public notification of the application and any hearings; and
 - (4) Procedures for public hearing.
- F. The procedures for appeal of local decisions by aggrieved parties are defined.
- G. A registration form, provided by the commissioner, has been completed and submitted by the municipality, demonstrating compliance with the criteria under this subsection.

H. The municipality is currently enforcing the Maine Uniform Building and Energy Code.

The Department of Public Safety shall publish on its publicly accessible website a list of those municipalities that are registered pursuant to this subsection.

Sec. 2. 25 MRSA §2448-A, sub-§2-A is enacted to read:

2-A. Memoranda of understanding. The commissioner may enter into a memorandum of understanding with any municipality to facilitate the purposes of this section.

Sec. 3. 25 MRSA §2448-A, sub-§11 is enacted to read:

11. Rulemaking. The commissioner may adopt rules to implement, administer and enforce the provisions of this section, including, but not limited to, procedures for registration, suspension and revocation of registrations, notifications, technical assistance and appeals. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 25 MRSA §2450, first ¶, as amended by PL 2017, c. 284, Pt. MMMMM, §1, is further amended to read:

The Commissioner of Public Safety shall adopt, in accordance with requirements of the Maine Administrative Procedure Act, a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the Department of Public Safety. The fee schedule for new construction, reconstruction, repairs or renovations is ~~4.5/10~~ 1/5 of 1% of the cost to construct or reconstruct the portion of the project that is subject to State Fire Marshal review. Except for projects reviewed by a municipality pursuant to section 2448-A, the fees must be credited to a special revenue account to defray expenses in carrying out this section. Any balance of the fees may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal years. For projects reviewed by a municipality that include occupied spaces, a 1¢ fee per square foot must be remitted to the Department of Public Safety and a 4¢ fee per square foot must be paid to the municipality.

Sec. 5. 32 MRSA §1377, first ¶, as amended by PL 1997, c. 728, §36, is further amended to read:

Prior to construction of any fire sprinkler system, or prior to an addition involving more than 20 new sprinkler heads to a fire sprinkler system, regulated by the National Fire Protection Association, Pamphlet No. 13, as amended, a fire sprinkler system contractor shall obtain a permit from the commissioner ~~who~~ or a municipality registered pursuant to Title 25, section 2448-A. The commissioner or the registered municipality shall review the plan for construction or addition and charge a reasonable fee for the review and permitting process. All plans to be submitted by a contractor to the Department of Public Safety must be reviewed, approved and signed by the certified responsible managing supervisor retained by the contractor.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Fire Marshal - Office of 0327

Initiative: Provides funding for 4 Public Safety Inspector II positions and related All Other costs to conduct reviews of fire sprinkler system plans.

OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
POSITIONS - LEGISLATIVE COUNT	0.000	4.000
Personal Services	\$0	\$429,600
All Other	\$0	\$53,400
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$483,000

Fire Marshal - Office of 0327

Initiative: Provides one-time funding for 4 vehicles for Public Safety Inspector II positions.

OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
Capital Expenditures	\$0	\$226,600
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$226,600

**PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS**

	2025-26	2026-27
OTHER SPECIAL REVENUE FUNDS	\$0	\$709,600
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$709,600