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Date: (Filing No. H-)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 803, L.D. 1140, Bill, “An Act To Preserve the Economic Viability of Maine's Historic Properties”

Amend the bill by striking out all of section 1 and inserting the following:

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

4. Appeal from municipal determination. A person aggrieved by an act of a municipal official enforcing a rule adopted by the commissioner under this section or enforcing a provision in a municipal ordinance that is identical to a rule adopted by the commissioner under this section with respect to a historic property being operated as a lodging place may appeal the action of the municipal official within 30 days to the Office of the State Fire Marshal. For the purposes of this subsection, "historic property" means a property listed on the National Register of Historic Places or designated as a historic property by a certified municipal historic preservation ordinance and "lodging place" has the meaning set forth in Title 22, section 2491, subsection 7-F.

A. In order to make an appeal under this subsection, a person must file the appeal in writing with the Office of the State Fire Marshal and mail a copy of the appeal to the municipality in which the historic property is located.

B. Either the person or the municipality may request a hearing by the Office of the State Fire Marshal by filing a written request with the Office of the State Fire Marshal within 10 days of the notice of appeal under paragraph A.

C. If a request for a hearing is filed in compliance with paragraph B, the Office of the State Fire Marshal shall hold a hearing on the appeal within 30 days of the request unless a longer period is mutually agreed to in writing by the person and the municipality. A hearing held under this subsection is informal and may be conducted at the site of the affected property.

D. The Office of the State Fire Marshal shall issue a decision under this subsection in writing within 30 days of receiving the appeal under paragraph A or within 30 days of conducting the hearing under paragraph C, whichever is later. The written decision must include the specific reason or reasons for affirming or reversing the

COMMITTEE AMENDMENT

1 municipal enforcement action and a statement of the parties’ right to judicial review
2 of the decision in Superior Court pursuant to paragraph E.

3 E. A decision of the Office of the State Fire Marshal under this subsection
4 constitutes final agency action that may be appealed to the Superior Court in
5 accordance with Rule 80C of the Maine Rules of Civil Procedure.

6 **Sec. 2. Appropriations and allocations.** The following appropriations and
7 allocations are made.

8 **PUBLIC SAFETY, DEPARTMENT OF**

9 **Fire Marshal - Office of 0327**

10 Initiative: Provides funding for one Public Safety Inspector II position and related costs to
11 review and respond to appeals of municipal inspection officers' decisions.

12	GENERAL FUND	2017-18	2018-19
13	POSITIONS - LEGISLATIVE COUNT	1.000	1.000
14	Personal Services	\$55,553	\$77,831
15	All Other	\$12,369	\$16,492
16			
17	GENERAL FUND TOTAL	<u>\$67,922</u>	<u>\$94,323</u>

18

19 **SUMMARY**

20 This amendment, which is the majority report of the committee, replaces the bill and
21 authorizes the owner of a historic property being operated as a lodging place to appeal the
22 decision of a municipal inspection officer that the property does not meet the standards of
23 the fire and life safety codes adopted by the Commissioner of Public Safety or a provision
24 in locally adopted fire and life safety codes that is identical to a provision in the fire and
25 life safety code adopted by the commissioner within 30 days. The appeal must be
26 submitted in writing to the Office of the State Fire Marshal. If an informal hearing is
27 requested, it must be conducted within 30 days and may be held at the site of the affected
28 property. The Office of the State Fire Marshal must issue a written decision within 30
29 days of the appeal or hearing, whichever is later, explaining the reasons for affirming or
30 reversing the municipal enforcement decision. The decision of the Office of the State
31 Fire Marshal constitutes final agency action and may be appealed to the Superior Court.
32 The amendment also adds an appropriations and allocations section.

33 **FISCAL NOTE REQUIRED**

34 **(See attached)**