

§2448-A. Municipal review of development

The Commissioner of Public Safety, referred to in this section as "the commissioner," may register municipalities for authority to issue permits required by section 2448 under the following conditions. For purposes of this section, "municipal reviewing authority" has the same meaning as defined in Title 30-A, section 4366, subsection 7. [PL 2009, c. 364, §2 (NEW).]

1. Projects. A municipality registered pursuant to this section may review projects of public buildings as described in section 2448. [PL 2011, c. 304, Pt. J, §1 (AMD).]

2. 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. [PL 2011, c. 94, §3 (AMD).]

B. The municipality has an employee that is certified as a plan reviewer by the National Fire Protection Association. [PL 2009, c. 364, §2 (NEW).]

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. [PL 2009, c. 364, §2 (NEW).]

D. The municipality has adequate resources to administer and enforce the provisions of the fire codes under paragraph C. [PL 2009, c. 364, §2 (NEW).]

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. [PL 2009, c. 364, §2 (NEW).]

F. The procedures for appeal of local decisions by aggrieved parties are defined. [PL 2009, c. 364, §2 (NEW).]

G. A registration form, provided by the commissioner, has been completed and submitted by the municipality, demonstrating compliance with the criteria under this subsection. [PL 2009, c. 364, §2 (NEW).]

H. The municipality is currently enforcing the Maine Uniform Building and Energy Code. [PL 2009, c. 364, §2 (NEW).]

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

[PL 2011, c. 94, §3 (AMD).]

3. Current requirements. A municipality registered under this section shall ensure that its municipal regulations continue to meet the criteria listed in subsection 2.

A. The commissioner shall immediately notify a registered municipality of new or amended rules. [PL 2009, c. 364, §2 (NEW).]

B. A municipality shall adopt amendments to its municipal regulations within one calendar year of the effective date of new or amended rules adopted by the Department of Public Safety. Within 45 days of the adoption of the amended municipal regulations, the municipality shall submit the amendments for approval by the commissioner. [PL 2009, c. 364, §2 (NEW).]

[PL 2009, c. 364, §2 (NEW).]

4. Suspension of registration. If the commissioner finds that a municipality no longer meets the criteria under subsection 2, or is not adequately implementing those requirements, the commissioner may suspend the registration under subsection 2 and shall immediately notify the municipality. The notice must contain findings of fact and conclusions of law. If the registration is suspended, the commissioner shall provide the municipality with the necessary procedures to come into compliance with this section.

[PL 2009, c. 364, §2 (NEW).]

5. Central list of pending projects. The commissioner shall maintain and make available a list of projects that are pending municipal review under this section.

[PL 2009, c. 364, §2 (NEW).]

6. Technical assistance. The commissioner may provide technical assistance to municipalities upon request for projects reviewed under this section.

[PL 2009, c. 364, §2 (NEW).]

7. Application review process. Upon determination by the municipal reviewing authority that an application for a permit or permit amendment under this section is complete for processing, the municipal reviewing authority shall submit to the commissioner within 14 days of that determination a copy of the project application.

A. [PL 2011, c. 304, Pt. J, §2 (RP).]

B. [PL 2011, c. 304, Pt. J, §2 (RP).]

[PL 2011, c. 304, Pt. J, §2 (RPR).]

8. Record of review and basis for decision.

[PL 2011, c. 304, Pt. J, §3 (RP).]

9. State jurisdiction. The Department of Public Safety shall review projects and exercise jurisdiction for a registered municipality if:

A. The municipal reviewing authority in which the project is located petitions the commissioner in writing; or [PL 2009, c. 364, §2 (NEW).]

B. The proposed project is located in more than one municipality. [PL 2009, c. 364, §2 (NEW).]
[PL 2009, c. 364, §2 (NEW).]

10. Joint enforcement. A permit or permit amendment issued by a municipal reviewing authority may be enforced by either the commissioner or the municipality that issued the permit or permit amendment.

[PL 2009, c. 364, §2 (NEW).]

SECTION HISTORY

PL 2009, c. 364, §2 (NEW). PL 2011, c. 94, §3 (AMD). PL 2011, c. 304, Pt. J, §§1-3 (AMD).

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