

An Act To Clarify Comprehensive Planning and Land Use Ordinances**SUMMARY**

This bill makes the following changes to the laws governing growth management. It:

1. Sets a date when a finding of consistency for a comprehensive plan expires;
2. Authorizes the Executive Department, State Planning Office to define an appeal process that a town may use to appeal a finding of inconsistency;
3. Shortens the timeline for state reviews of comprehensive plans to a 35-business-day deadline for a notification of completeness and 10 additional business days for a finding of consistency;
4. Exempts towns with no village or densely settled area from having to designate a growth area;
5. Clarifies that certain land use ordinances may be adopted without a consistent comprehensive plan; and
6. Clarifies that the portion of a rate of growth, zoning or impact fee ordinance not directly related to an inconsistency identified during a comprehensive plan review by the State Planning Office remains in effect after the inconsistency is identified.

Resolve, Directing the Development of a Building Code and Building Rehabilitation Code Implementation Plan

Sec. 1. Maine building code and building rehabilitation code implementation plan. Resolved: That the Executive Department, State Planning Office, with assistance from the Office of the State Fire Marshal, the Department of Economic and Community Development and the Maine Historic Preservation Commission, collectively referred to in this resolve as "the agencies," shall develop a plan for implementing the Maine Model Building Code and the International Existing Building Code; and be it further

Sec. 2. Duties. Resolved: That in the development of the plan, the agencies shall consider the following:

1. What agency should provide oversight and administration of the codes;
2. How code updates should be handled;
3. Outreach, communication and technical assistance to municipalities;
4. Training and certification of code officers, architects and builders;
5. Enforcement and appeal procedures;
6. Estimated costs to implement mandatory codes;
7. Projected costs for code administration;
8. Funding options for initial implementation and ongoing administration;
9. Identification of overlap between codes;
10. Guidance to municipalities regarding overlap between codes;
11. If rulemaking or statutory changes are needed to facilitate certain kinds of development, such as development of historic properties;
12. Phase-in dates for code adoption by service center communities, nonservice center communities with codes and towns adopting codes for the first time; and
13. Funding or incentives to put codes in place; and be it further

Sec. 3. Public participation. Resolved: That in developing the plan the agencies shall solicit input from interested parties, including, but not limited to, other state agencies, the Maine Municipal Association, groups representing Maine building officials and inspectors, builders, architects, engineers, real estate developers and public safety officials; and be it further

Sec. 4. Completion date; report. Resolved: That the agencies shall complete the development of the implementation plan by January 15, 2008. The report must include a recommended implementation schedule. The Executive Department, State Planning Office shall report to the Joint Standing Committee on Business, Research and Economic Development by February 15, 2008 with the results of the implementation plan development. The Joint Standing Committee on Business, Research and Economic Development is authorized to submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

SUMMARY

This resolve is a recommendation of the Community Preservation Advisory Committee. The bill directs the Executive Department, State Planning Office, with assistance from the Office of the State Fire Marshal, the Department of Economic and Community Development and the Maine Historic Preservation Commission, to develop a plan for implementing the Maine Model Building Code and the International Existing Building Code.

AMENDMENT SUMMARY

This amendment is the majority report of the committee. This amendment changes the resolve to include the Department of Professional and Financial Regulation in the group of agencies directed to develop a plan for implementing the Maine Model Building Code and the International Existing Building Code. It also includes a requirement that the agencies identify overlap between model codes and the codes and standards listed in the Maine Revised Statutes, Title 10, section 9703 and the advantages and disadvantages of maintaining the current state fire code or changing to the International Fire Code. It also requires the agencies to identify measures that allow for preserving the artistic and architectural integrity of historic structures without unreasonable risk to life and safety.