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An Act To Clarify Provisions of the Law Concerning Municipal Inspections of Buildings

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

Sec. 1. 25 MRSA §2357-A, as enacted by PL 2009, c. 261, Pt. B, §7, is amended to read:

§ 2357-A.No occupancy without certificate; appeal

Subject to the provisions of Title 10, chapter 951, a building may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, pursuant to the required inspections in section 2373 that the building has been built in accordance with section 2353A, and so as to be safe from fire. The ~~inspector of buildings~~ building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken to the municipal officers and, if on such appeal it is decided by them that the section has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official.

This section takes effect December 1, 2010.

Sec. 2. 25 MRSA §2371, sub-§2, as enacted by PL 2007, c. 699, §11, is amended to read:

2. Building official. "Building official" means a building official appointed pursuant to section ~~2351~~2351A.

Sec. 3. 25 MRSA §2448-A, sub-§2, ¶A, as enacted by PL 2009, c. 364, §2, is amended to read:

A. A municipal ~~inspector of buildings~~ building official has been appointed pursuant to section ~~2351~~2351A.

Effective 90 days following adjournment of the 125th
Legislature, First Regular Session, unless otherwise indicated.