

No change to this section in LD 390 Part GGGGG as follows:

Current

Sec. GGGGG-11. 25 MRSA §2450-A, as repealed and replaced by PL 2013, c. 424, Pt. A, §13, is amended to read:

In addition to the fees established in section 2450, a surcharge of 4¢ per square foot of occupied space must be levied on the existing fee schedule for new construction, reconstruction, repairs, renovations or new use for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code, established pursuant to Title 10, chapter 1103, the activities of the Division of Building Codes and Standards under chapter 314 and the activities of the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A, except that the fee for review of a plan for the renovation of a public school, including the fee established under section 2450, may not exceed \$450. Revenue collected from this surcharge must be deposited into the Uniform Building Codes and Standards Fund in the Department of Public Safety and transferred to the Department of Economic and Community Development pursuant to Title 5, section 13183.

**PART GGGGG
SUMMARY**

This Part relocates the Technical Building Codes and Standards Board from the Department of Public Safety to the Department of Economic and Community Development. This Part also authorizes the Department of Public Safety to transfer, at the end of fiscal year 2016-17, any balance remaining in the Division of Building Codes and Standards program, Other Special Revenue Funds account related to the Maine Uniform Building and Energy Code, to the Department of Economic and Community Development, Community Development Block Grant Program.

Amend LD 390 Part MMMMM by deleting the current Part and replacing with the following:

Part MMMMM

Sec. MMMMM-1. 25 MRSA §2450, First ¶, as amended by PL 2003, c. 364, §3, 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 1.5/10 of 1% of the cost to construct or reconstruct the portion of the project that is subject to Fire Marshal review or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450, except as provided in section 2450-A.~~ 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. A municipality is prohibited from charging a developer a fee that is in excess of the 4¢ fee per square foot for fire code permits. This limitation does not prohibit a municipality from charging fees for other construction-related permits.

**PART MMMMM
SUMMARY**

The Part ensures that the Office of State Fire Marshal is adequately compensated to conduct reviews of plans for construction, reconstruction, repair, and renovation of buildings.

Amend LD 390 by adding a new Part SSSSS (Updated for Presentation 5/26/2017)

PART SSSSS

Sec. SSSSS-1. 34-A MRSA §1406, is enacted to read:

1406. Authority to Review Financial Records of Counties as They Relate to Corrections.

1. County Jail Records. Notwithstanding any other provision of law, the Commissioner has the power to inspect, review and take custody of records of the counties as they relate to the funding and operation of the county jails. All county jails must supply complete and accurate information within 15 days of the request for inspection being filed. The Commissioner shall work with the jails to assist them in achieving compliance with the requirements in this paragraph. The Commissioner shall enforce the standards of this paragraph by imposition of monetary penalties pursuant to section 1208-B, subsection 1, paragraph B. This provision is to be interpreted liberally.

2. Violation. For every violation of this section, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than \$5,000 may be adjudged.

3. Records. If the Commissioner is aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under this section may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to the Superior Court within the State for the county where the person resides or the agency has its principal office. The agency or official shall file a statement of position explaining the basis for denial within 14 calendar days of service of the appeal. If a court, after a review, with taking of testimony and other evidence as determined necessary, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

4. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.

5. Attorney's fees. In an appeal under subsection 3 or 4, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 3 or the illegal action under subsection 4 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

6. Subpoena Power. The Commissioner may, in connection with the performance of the duties of the office, apply to the Superior Court for a subpoena to compel the attendance of witnesses and the production of books, papers, records and documents of individuals, firms, associations and corporations and all officers, boards, commissions and departments of county Government. The court, before issuing the subpoena, shall provide adequate opportunity for the Commissioner

and the party against whom the subpoena is requested to be heard. The court may issue the subpoena only on a showing by the Commissioner and specific findings of fact by the court that the attendance of the witness or the production of the books, papers, records or documents is reasonably necessary to carry out specific duties of the office that are related to the operations and finances of the county jails and that the Commissioner has made reasonable efforts to secure the attendance or the books, papers, records or documents without recourse to compulsory process.

Sec. SSSSS-2. 34-A MRSA §1402, sub-§14, is enacted to read:

14. By February 15, 2018, the department, shall submit a report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial matters on plans to restructure the funding and operation of county jails, correctional facilities, and prisoner population and capacity.

PART SSSSS

SUMMARY

The Part provides the Commissioner of Corrections authority to restructure the funding and operation of county jails upon examination and review of requested records and documents, correctional facilities and prisoner population and capacity. The report will be submitted by February 15, 2018 to the Appropriations and Financial Affairs Committee.