





## AUTHORITY OF ASSESSOR TO INSPECT PROPERTY

Maine Revised Statutes provide explicit authority to pass onto private property in few cases. Both electrical inspectors and plumbing inspectors have explicit authority. All other municipal officials have authority extended from “Home Rule”. Home rule says that as long as the constitutional rights of the individual and the rights of the state are not violated, then municipalities have “liberal” authority to make and enforce rules “for the welfare of the municipality and their inhabitants”. That covers all manner of rules, ordinance and inspections.

State law requires assessors to value all real and personal property with the implied authority to visit and inspect property. This authority is further confirmed by the fact that assessors are part of the inspection process that includes “building official(s) and other enforcement officers” who “must be given free access at reasonable hours to all parts of buildings regulated by ordinance”. Because the life safety code is statewide, even towns that do not have zoning, building code or building permits would still have all buildings regulated by ordinance and hence subject to inspection.

The consistent restriction is that when denied permission to enter a property, all municipal officials are barred from inspection until a warrant is provided by the court. Hence, the assessors has the right to pass onto property (and to inspect the interior of a property with permission since the constitution provides specific rights with respect to entering dwellings) unless told not to by the owner or occupant.

 §2003	<b>Title 30-A: MUNICIPALITIES AND COUNTIES</b> <b>Part 2: MUNICIPALITIES</b> <b>Subpart 1: GENERAL PROVISIONS</b> <b>Chapter 101: GENERAL PROVISIONS</b>	§2005 
<b>§2004. General powers of cities</b>		
<p>When no specific provision in a city charter exists in reference to the exercise of a municipal power, the city has all of the powers granted to towns or municipalities under the general law. [1987, c. 737, Pt. C, §2 and Pt. (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]</p>		
<p>SECTION HISTORY 1987, c. 737, §§2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8,10 (AMD).</p>		

 §1955	<b>Title 30-A: MUNICIPALITIES AND COUNTIES</b> <b>Part 2: MUNICIPALITIES</b> <b>Subpart 1: GENERAL PROVISIONS</b> <b>Chapter 101: GENERAL PROVISIONS</b>	§2002 
<b>§2001. Definitions</b>		
<p><b>7. Home rule authority.</b> "Home rule authority" means the powers granted to municipalities under chapter 111; section 3001; and the Constitution of Maine, Article VIII, Part Second.</p>		
<p>[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]</p>		

← §2108

Title 30-A: MUNICIPALITIES AND COUNTIES

§2151 →

Part 2: MUNICIPALITIES

Subpart 2: ORGANIZATION AND INTERLOCAL COOPERATION

Chapter 111: HOME RULE

**§2109. Liberal construction**

This chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to accomplish its purposes. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

Maine Revised Statutes

← §707

Title 36: TAXATION

§708-A →

Part 2: PROPERTY TAXES

Chapter 105: CITIES AND TOWNS

Subchapter 5: POWERS AND DUTIES OF ASSESSORS

**§708. Assessors to value real estate and personal property**

The assessors and the chief assessor of a primary assessing area shall ascertain as nearly as may be the nature, amount and value as of the first day of each April of the real estate and personal property subject to be taxed, and shall estimate and record separately the land value, exclusive of buildings, of each parcel of real estate. [1973, c. 620, §17 (AMD).]

SECTION HISTORY

1973, c. 620, §17 (AMD).

← §4102

Title 30-A: MUNICIPALITIES AND COUNTIES

§4104 →

Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 185: REGULATION OF CONSTRUCTION AND IMPROVEMENTS

Subchapter 1: REGULATION OF BUILDINGS

**§4103. Permits**

The provisions of this section apply to any ordinance described in section 4101. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**1. Applicability.** The provisions of the ordinance which pertain to buildings apply equally to all structures, including wharves, piers and pilings and parts of them.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Licensing authority.** The building official is the licensing authority unless otherwise provided by the municipality.

[ RR 2007, c. 2, §13 (COR) .]

**4. Powers and duties of enforcement officers.** Ordinances defining the duties of the building official and other enforcement officers, not contrary to Title 25, chapter 313, may be enacted under a municipality's home rule authority. All enforcement officers designated by ordinance must be given free access at reasonable hours to all parts of buildings regulated by ordinance.

[ RR 2007, c. 2, §14 (COR) .]

Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 185: REGULATION OF CONSTRUCTION AND IMPROVEMENTS

Subchapter 3: REGULATION AND INSPECTION OF PLUMBING

Article 2: REGULATIONS AND PERMITS

**§4213. Right of entry on inspection**

The department and any duly designated representative or employee of the department, including the local plumbing inspector, may enter any property at reasonable hours, enter any building with the consent of the property owner, occupant or agent, inspect the property or structure for compliance with the applicable rules or investigate alleged conditions which do not comply with the rules. Upon the request of the occupant of the premises, the department's representative or the local plumbing inspector shall present proper credentials before entering the premises. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

If entry is denied, entry shall not be attempted until after obtaining an order of the court. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

Part 2: MUNICIPALITIES

Subpart 6: REGULATION, LICENSES AND PERMITS

Chapter 185: REGULATION OF CONSTRUCTION AND IMPROVEMENTS

Subchapter 2: REGULATION AND INSPECTION OF ELECTRICAL INSTALLATIONS

Article 3: INSPECTIONS AND PERMITS

**§4172. Inspections**

The electrical inspectors shall examine and issue certificates of acceptance of electrical installations at the request or complaint of any owner, lessee, tenant or municipal officer. An electrical inspector may enter any building with the permission of any person having control of that building or may apply to a court for process to do so. If an electrical inspector finds any hazardous electrical installation, the inspector shall order the person having charge of that installation to have it corrected immediately. If that person refuses or neglects to do so, the inspector may apply to an appropriate court for injunctive relief. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).