

City of Portland  
Code Enforcement Officer  
385 Congress Street  
Portland, Maine 04101

May 18, 2015

RE: Subpoena Request For City Ordinance

Dear Code Enforcement Officer;

On 4-6-15 I wrote your office requesting information on the City Code Requirements for "Porches - Outside Hand Railings", for one flight of stairs. More specifically, "What is the maximum width the top stair hand railing can be"? I.e., is a six (6") board okay to use as a hand railing?

I am seeking a copy of the City's Ordinance which Homeowners, or apartment owners must follow that is required to be used as an entrance to a building, up one flight of stairs.

Thank you for your attention to this matter.

Maine Correctional Center  
Michael R. Hamlin #15305  
17 Mallison Falls Road  
Windham, Maine 04062

Sincerely Yours,

Michael R. Hamlin

STATE OF MAINE

SUPERIOR COURT  
Cumberland ss.  
Docket No. CV-15-92

DISTRICT COURT  
Location \_\_\_\_\_  
Docket No. \_\_\_\_\_

WITNESS SUBPOENA FOR:

- TRIAL
- HEARING
- DEPOSITION
- INSPECTION

To: City of Portland / Code Enforcement officers, of Portland, Maine 04101  
In the matter of Michael R. Hamlin v. MAF LLC

- YOU ARE COMMANDED in the name of the State of Maine, to appear for the purpose of testifying at the (District) (Superior) Court located at \_\_\_\_\_ at \_\_\_\_\_, Maine at \_\_\_\_\_ (am)(pm) on \_\_\_\_\_ and to remain until discharged for the purpose of testifying)
- YOU ARE COMMANDED in the name of the State of Maine to appear before \_\_\_\_\_ a \_\_\_\_\_, at the offices of \_\_\_\_\_ at \_\_\_\_\_, Maine at \_\_\_\_\_ (am)(pm) on \_\_\_\_\_ to testify and give evidence by deposition pursuant to the Maine Rules of Civil Procedure, an application having been filed for this deposition in this court.
- YOU ARE COMMANDED to produce and permit inspection and copying of the following designated things or premises on \_\_\_\_\_ at \_\_\_\_\_ (am)(pm) at \_\_\_\_\_

YOU ARE COMMANDED to permit inspection and copying of the following designated things or premises:  
Complete copy of City ordinance to erect and build outside entrance stairway up one flight of stairs.

Time and place of inspection: At your convenience

This subpoena is issued on behalf of Michael R. Hamlin, the Plaintiff whose attorney is Michael R. Hamlin 17 Mallison Falls Road Windham, Maine 04092

If you object to the subpoena, you must file a timely motion in court to quash or modify it. If you object to the inspection or copying of any of the materials or premises designated above, you must serve notice of that objection in writing upon the party or attorney, Michael R. Hamlin before June 2, 2015.

WARNING AND NOTICE

FAILURE TO COMPLY WITH THIS SUBPOENA MAY SUBJECT YOU TO ARREST AND BEING HELD IN CONTEMPT OF COURT.  
SEE THE REVERSE SIDE OF THIS SUBPOENA FOR A STATEMENT OF YOUR RIGHTS AND DUTIES PURSUANT TO THIS SUBPOENA AS SET OUT IN RULES 45(c) AND (d) OF THE MAINE RULES OF CIVIL PROCEDURE.

Date: May 18, 2015

Cumberland, ss.

Sally A. Barger  
(Clerk) (Attorney at Law)

On 5/18/15, I subpoenaed the above-named Code Enforcement officers Portland, ME, by delivering a copy of this Subpoena.

(At the same time I tendered and paid to \_\_\_\_\_ the sum of \$ \_\_\_\_\_ as fees for travel and one days attendance.)

Fees: Travel, \$  
Service,  
Copy,  
Witness fee,

Michael R. Hamlin  
Signature  
Pro, se Plaintiff  
Agency

Memorandum  
Department of Planning and Urban Development  
Inspection Services Division

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**TO:** Mr. Michael R. Hamlin  
**DATE:** June 3, 2015  
**RE:** Request for Information (Letter dated May 18, 2015)

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Chapter 6 BUILDINGS AND BUILDING REGULATIONS\* is available online, see the link below:

<http://www.ci.portland.me.us/DocumentCenter/Home/View/1070>

**Art. II. Building Code, §§ 6-16--6-31**

See. Sec. 6-16. Maine Uniform Building and Energy Code.

The construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures, shall comply with the Maine Uniform Building and Energy Code ("MUBEC").

(Code 1968, § 301.1; Ord. No. 211-79, 10-22-79; Ord. No. 354-81, 12-21-81; Ord. No. 290-84, § 1, 11-19-84; Ord. No. 540-87, § 1, 6-3-87; Ord. No. 109-90, 10-1-90; Ord. No. 170-93, § 1, 12-20-93; Ord. No. 40-96, § 1, 7-1-96; Ord. No. 137, §1, 1-19-00; Ord. No. 32-04/05, 9-8-04; Ord. No. 76-10/11, 11-15-10)

<http://publicecodes.cyberregs.com/icod/>

**Art. V. Housing Code, §§ 6-106--6-149**

See. Sec. 6-108. Minimum standards for structural elements.

Attached\* is a copy of the Code of Ordinance, Section 6-108 (d) specific to your question "an apartment owner must follow that is required to be used as an entrance to a building, up one flight of stairs" in the letter dated May 18, 2015 as it relates to the minimum standards for structural elements. This section of the City Code would apply for existing and permitted "stairways, stairwells, stairs and porches".

"What is the maximum width the top stair hand railing can be"- this code question would require more information to answer, i.e. our Staff would need to reference the applicable building code for when the porch was permitted/ constructed. For new construction, please reference the Maine Uniform Building and Energy Code (IRC or IBC, 2009) link provided above.



CITY OF PORTLAND



BUILDING CODES



**Adopted by the State as the Maine Uniform Building and Energy Code (MUBEC):**

View State amendments at <http://www.maine.gov/dps/bbcs/>

**Effective December 1, 2010, the State of Maine adopted the statewide Maine Uniform Building and Energy Code (MUBEC) which consists of four International Code Council (ICC) codes and four standards.**

**A. Maine Uniform Building and Energy Code "MUBEC" consists of the following codes:**

2009 International Residential Code (IRC)

2009 International Building Code (IBC)

2009 International Existing Building Code (IEBC)

2009 International Energy Conservation Code (IECC)

**The following standards are also adopted as part of the MUBEC:**

**B. The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards:**

62.1 - 2007 (Ventilation for Acceptable Indoor Air Quality)

62.2 - 2007 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings)

90.1 - 2007 (Energy Standard for Buildings except Low-Rise Residential Buildings) editions without addenda.

**C. E-1465-2006, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings.**

- (a) Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- (b) Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
- (c) Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or a bond for a deed with the person having legal or record title.

*Rooming house* shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

*Rooming unit* shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

*Supplied* shall mean installed, furnished, or provided by the owner at his or her expense.

(Code 1968, § 307.2; Ord. No. 310-68, § 1, 8-5-68; Ord. No. 490-74, § 1, 8-5-74; Ord. No. 114-77, § 2, 2-23-77; Ord. No. 475-86, § 1, 4-7-86; Ord. No. 159-95, 1-4-95; Ord. No. 45-04/05, 9-8-04)

**Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

#### **Sec. 6-107. Minimum standards for dwellings established.**

There are hereby established minimum standards for buildings used for dwelling purposes in the city. All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards. The standards set forth herein are intended to be minimum only and shall not be construed otherwise, nor shall they apply wherever a greater standard is required by any other ordinance or law.

(Code 1968, § 307.1; Ord. No. 475-86, § 1, 4-7-86)

#### **Sec. 6-108. Minimum standards for structural elements.**

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply

**Rule 45(c): Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court for which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings, a reasonable attorney's fee, and other reasonable expenses incurred in seeking the sanction.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents, or tangible things, or inspection of premises, need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena a written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of any justice or judge of the court for which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court for which a subpoena was issued shall quash or modify the subpoena if it (i) fails to allow a reasonable time for compliance; (ii) requires a resident of this state who is not a party or an officer of a party to travel to attend a deposition outside the county wherein that person resides or is employed or transacts business in person or a distance of more than 100 miles one way, whichever is greater, unless the court otherwise orders; requires a nonresident of the state who is not a party or an officer of a party to attend outside the county wherein that person is served with a subpoena, or farther than 100 miles from the place of service, unless some other convenient place is fixed by an order of court; (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or (iv) subjects a person to undue burden.

(B) If a subpoena (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles one way to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**Rule 45(d) Duties in Responding to a Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

- (a) Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- (b) Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
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