

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 629 - L.D. 855

An Act To Strengthen the Maine Uniform Building and Energy Code**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 10 MRSA §9723, sub-§2, as repealed and replaced by PL 2013, c. 424, Pt. A, §3, is amended to read:

2. Training program standards; implementation. The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

Sec. 2. 25 MRSA §2372, sub-§2, as amended by PL 2011, c. 633, §9, is further amended to read:

2. Staff. The commissioner may appoint ~~or~~ and may remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

(1) Providing nonbinding interpretation of the code for professionals and the general public; and

(2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and

B. An office specialist to provide administrative support to the division and the board.

Sec. 3. 25 MRSA §2374, as repealed and replaced by PL 2013, c. 424, Pt. A, §12, is amended to read:

§2374. Uniform Building Codes and Standards Fund

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and ~~the Department of Economic and Community Development, Office of Community Development under Title 30-A, section 4451, subsection 3-A.~~ Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety and ~~the Department of Economic and Community Development, Office of Community Development~~ shall together determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year.

Sec. 4. 30-A MRSA §4221, sub-§1, as amended by PL 2011, c. 655, Pt. FF, §6 and affected by §16, is further amended to read:

1. Appointment; compensation; removal. In every municipality, the municipal officers shall appoint one or more inspectors of plumbing, who need not be residents of the municipality for which they are appointed. Plumbing inspectors are appointed for a term of one year or more and must be sworn and the appointment recorded as provided in section 2526, subsection 9. An individual properly appointed as plumbing inspector and satisfactorily performing the duties may continue in that capacity after the term has expired until replaced. The municipal officers shall notify the department and the ~~Department of Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal of the appointment of a plumbing inspector in writing within 30 days of the appointment.

Compensation of plumbing inspectors is determined by the municipal officers and paid by the respective municipalities.

The municipal officers may remove a plumbing inspector for cause, after notice and hearing.

Sec. 5. 30-A MRSA §4451, as amended by PL 2019, c. 40, §1, is further amended to read:

§4451. Training and certification for code enforcement officers

1. Certification required; exceptions. A municipality may not employ any individual to perform the duties of a code enforcement officer who is not certified by the former State Planning Office or, the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal, except that:

A. An individual other than an individual appointed as a plumbing inspector has 12 months after beginning employment to be trained and certified as provided in this section;

B. Whether or not any extension is available under paragraph A, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may waive this requirement for up to one year if the certification requirements cannot be met without imposing a hardship on the municipality employing the individual;

C. An individual may be temporarily authorized in writing by the Department of Health and Human Services, Division of Health Engineering to be employed as a plumbing inspector for a period not to exceed 12 months; and

D. An individual whose certification has expired or is about to expire may be temporarily authorized in writing by the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal to extend that individual's certification for a period not to exceed 12 months in cases where the necessary training or examination is suspended under subsection 3-B, paragraph E.

2. Penalty. Any municipality that violates this section commits a civil violation for which a ~~forfeiture~~ fine of not more than \$100 may be adjudged. Each day in violation constitutes a separate offense.

2-A. Code enforcement officer; definition and duties. As used in this subchapter, "code enforcement officer" means a person certified under this section and employed by a municipality to enforce all applicable laws and ordinances in the following areas:

A. Shoreland zoning under Title 38, chapter 3, subchapter 1, article 2-B;

B. Comprehensive planning and land use under Part 2, Subpart 6-A;

C. Internal plumbing under chapter 185, subchapter 3;

D. Subsurface wastewater disposal under chapter 185, subchapter 3; and

E. Building standards under chapter 141; chapter 185, subchapter 1; Title 5, sections 4582-B, 4582-C and 4594-F; ~~beginning June 1, 2010,~~ Title 10, chapter 1103; and Title 25, chapter 313.

3. Training and certification of code enforcement officers. In cooperation with code enforcement officer professional associations, the Maine Community College System, the Department of Environmental Protection, and the Department of Health and Human Services ~~and the Department of Public Safety,~~ except as otherwise provided in

paragraph H, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall establish a continuing education program for individuals engaged in code enforcement. This program must provide training in the technical and legal aspects of code enforcement necessary for certification. The training program must include training to provide familiarity with the laws and ordinances related to the structure and practice of the municipal code enforcement office, municipal planning board and appeals board procedures, application review and permitting procedures, inspection procedures and enforcement techniques.

H. If funding is not available to support the training and certification program authorized under this subsection, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall discontinue training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs A and B and shall adopt by routine technical rules under Title 5, chapter 375, subchapter 2-A a program to register code enforcement officers that meet training and education qualifications. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall publish the list of persons registered for code enforcement who have submitted evidence of required qualifications. Persons registered under this paragraph must meet the requirements for training and certification under this subchapter. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall consult with the Department of Health and Human Services for the purposes of carrying out training and certification activities related to laws and ordinances referenced in subsection 2-A, paragraphs C and D. Within one month of discontinuation of training and certification under this paragraph, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a recommendation for funding the training and certification program or for further changes in program requirements.

3-A. Training and certification of inspectors in the Maine Uniform Building and Energy Code. In accordance with the training and certification requirements developed pursuant to Title 10, section 9723, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall provide the training necessary to certify municipal building officials, local code enforcement officers and 3rd-party inspectors.

3-B. Maine Code Enforcement Training and Certification Fund. The Maine Code Enforcement Training and Certification Fund, referred to in this section as "the fund," is established as a nonlapsing fund to support training and certification programs administered by the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal for code

enforcement officers, local plumbing inspectors, municipal building officials and 3rd-party inspectors in accordance with this subchapter.

A. ~~Beginning July 1, 2009, and each year thereafter on~~ On July 1st of each year, the funds identified in section 4215, subsection 4 for training and certifying local plumbing inspectors must be transferred to the fund.

B. ~~Beginning July 1, 2009, and each year thereafter on~~ On July 1st of each year, the funds identified in Title 25, section 2374 for training and certifying municipal building officials, local code enforcement officers and 3rd-party inspectors must be transferred to the fund.

C. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall place in the fund any money it receives from grants to support the requirements of this subchapter.

D. Funds related to code enforcement training and certification may be expended only in accordance with allocations approved by the Legislature and solely for the administration of this subchapter. Any balance remaining in the fund at the end of any fiscal year may not lapse but must be carried forward to the next fiscal year.

E. If the fund does not contain sufficient money to support the costs of the training and certification provided for in this subchapter, the Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may suspend all or reduce the level of training and certification activities.

4. Examination. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall conduct at least one examination each year to examine candidates for certification at a time and place designated by it. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal may conduct additional examinations to carry out the purposes of this subchapter.

5. Certification standards. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall adopt routine technical rules under Title 5, chapter 375, subchapter 2-A to establish the qualifications, conditions and licensing standards and procedures for the certification and recertification of individuals as code enforcement officers. A code enforcement officer need only be certified in the areas of actual job responsibilities. The rules established under this subsection must identify standards for each of the areas of training under subsection 2-A, in addition to general standards that apply to all code enforcement officers.

6. Certification; terms; revocation. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall certify individuals as to their competency to successfully enforce ordinances and other land use regulations and permits granted under those ordinances and regulations and shall issue certificates attesting to the competency of those individuals to

act as code enforcement officers. Certificates issued by the former State Planning Office ~~or~~, the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal are valid for 6 years unless revoked by the District Court. An examination is not required for recertification of code enforcement officers. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall recertify a code enforcement officer if the code enforcement officer successfully completes at least 12 hours of approved training in each area of job responsibility during the 6-year certification period.

A. The District Court may revoke the certificate of a code enforcement officer, in accordance with Title 4, chapter 5, when it finds that:

- (1) The code enforcement officer has practiced fraud or deception;
- (2) Reasonable care, judgment or the application of a duly trained and knowledgeable code enforcement officer's ability was not used in the performance of the duties of the office; or
- (3) The code enforcement officer is incompetent or unable to perform properly the duties of the office.

B. Code enforcement officers whose certificates are invalidated under this subsection may be issued new certificates provided that they are newly certified as provided in this section.

7. Other professions unaffected. This subchapter may not be construed to affect or prevent the practice of any other profession.

Sec. 6. 30-A MRSA §4452, sub-§7, as amended by PL 2011, c. 655, Pt. FF, §9 and affected by §16, is further amended to read:

7. Natural resources protection laws. A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the former State Planning Office or the Department of Economic and Community Development, Office of Community Development or the Department of Public Safety, Office of the State Fire Marshal under section 4453 as familiar with court procedures, may enforce the provisions of Title 38, section 420-C, Title 38, chapter 3, subchapter 1, article 5-A and Title 38, chapter 13-D by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

Sec. 7. 30-A MRSA §4453, first ¶, as amended by PL 2011, c. 655, Pt. FF, §10 and affected by §16, is further amended to read:

The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

H.P. 1101 - L.D. 1509

An Act To Amend the Laws Governing the Maine Uniform Building and Energy Code To Ensure It Is Consistent with Current Standards and Applies to Small Municipalities

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

Sec. 1. 10 MRSA §9721, sub-§§3 and 4, as corrected by RR 2011, c. 1, §9, are amended to read:

3. Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~M~~ B.

4. Maine Uniform Energy Code. "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph ~~M~~ B.

Sec. 2. 10 MRSA §9722, sub-§2, as amended by PL 2011, c. 655, Pt. MM, §10 and affected by §26, is further amended to read:

2. Membership. The board consists of ~~11 voting~~ 12 members, including the Director of the Efficiency Maine Trust, who serves ex officio and may not vote, and the following 11 individuals, who are voting members appointed by the Governor:

- A. The State Fire Marshal or a designee or a fire chief, recommended by the Maine Fire Chiefs' Association or its successor organization;
- B. A municipal code enforcement officer employed by a municipality that is not a service center community under Title 30-A, chapter 187, recommended by the Maine Municipal Association or its successor organization;
- C. A municipal code enforcement officer employed by a service center community under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition or its successor organization;

D. A residential builder recommended by a statewide or regional association of home builders and remodelers;

E. A commercial builder recommended by a statewide association of general contractors;

F. An architect licensed in the State who is accredited by a nationally recognized organization that administers credentialing programs related to environmentally sound building practices and standards, recommended by a statewide chapter of a national institute of architects;

G. A structural engineer licensed in the State, recommended by a statewide association of structural engineers;

H. A historic preservation representative, recommended by the Maine Historic Preservation Commission, with experience implementing the standards for the treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68 (2007), who is:

- (1) An architect licensed in the State;
- (2) A structural engineer licensed in the State; or
- (3) A builder;

I. An energy efficiency representative, recommended by the Director of the Governor's Energy Office within the Executive Department, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction;

J. A mechanical engineer licensed in the State, recommended by a statewide association of mechanical engineers; and

K. A lumber material dealer or supplier, recommended by a statewide association of lumber dealers in the State.

A member appointed under this subsection must have at least 5 years' experience in the field that member is nominated to represent and must be employed in that field.

Sec. 3. 10 MRSA §9722, sub-§4, as enacted by PL 2007, c. 699, §6, is amended to read:

4. Terms; removal. ~~Appointments to~~ Appointed members of the board are made for a appointed for 4-year term, terms and ~~members~~ are eligible for reappointment. If there is a vacancy for any cause among the appointed members, the Governor shall make an appointment immediately effective for the unexpired term. ~~A~~ An appointed member of the board may be removed from the board for cause by the Governor.

Sec. 4. 10 MRSA §9722, sub-§6, as amended by PL 2015, c. 126, §§1 to 3, is further amended to read:

6. Duties and powers. In addition to other duties set forth in this chapter, the board shall:

A. Adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties under this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

B. Adopt, amend and maintain the Maine Uniform Building and Energy Code. The board shall ensure that the Maine Uniform Building and Energy Code consists of the following codes and standards:

- (1) International Building Code published by the International Code Council;
- (2) International Existing Building Code published by the International Code Council;
- (3) International Residential Code published by the International Code Council;
- (4) International Energy Conservation Code published by the International Code Council;
- (5) International Mechanical Code published by the International Code Council;
- (6) ASHRAE Standard 62.1 Ventilation for Acceptable Indoor Air Quality;
- (7) ASHRAE Standard 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings;
- (8) ASHRAE Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings; and
- (9) Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings published by the American Society for Testing and Materials.

For purposes of this paragraph, ASHRAE has the same meaning as in section 1413, subsection 1.

Codes and standards adopted under this paragraph are mandatory, except as provided in paragraph B-1. The board shall ensure that each new edition of a code or standard adopted under this paragraph is reviewed by the board, and that each code or standard adopted under paragraph B is either the most recent edition or the edition previous to the most recent edition of that code or standard;

B-1. Ensure the following in adopting and amending the Maine Uniform Building and Energy Code:

- (1) That historic preservation is a policy priority by ensuring that:
 - (a) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings are maintained in the adopted versions of the Maine Uniform Building and Energy Code; and
 - (b) The board proactively identifies additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;

(2) That nontraditional or experimental construction, including but not limited to straw bale, mass timber and earth berm construction, is permissible under the Maine Uniform Building and Energy Code;

(3) That building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the Maine Uniform Building and Energy Code; and

(4) That buildings used to house livestock or harvested crops are not subject to the Maine Uniform Building and Energy Code;

C. Adopt rules for the review and adoption of amendments to the Maine Uniform Building and Energy Code, including:

(1) A process for consideration of amendment proposals submitted by municipalities, county, regional or state governmental units, professional trade organizations and the public;

(2) A requirement that amendments that are more restrictive than the national minimum standard be accompanied by an economic impact statement that includes:

(a) An identification of the types and an estimate of the number of the small businesses subject to the proposed amendment;

(b) The projected reporting, record-keeping and other administrative costs required for compliance with the proposed amendment, including the type of professional skills necessary for preparation of the report or record;

(c) A brief statement of the probable impact on affected small businesses; and

(d) A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed amendment;

(3) A process for reviewing and evaluating criteria to identify whether an amendment is needed to:

(a) Address a critical life or safety need, a specific state policy or statute or a unique character of the State;

(b) Ensure consistency with state rules or federal regulations; or

(c) Correct errors and omissions;

(4) Timelines governing the filing of amendments and a process to establish an annual adoption cycle; and

(5) A process for publication of adopted amendments within 30 days of adoption;

D. Identify and resolve conflicts between the Maine Uniform Building and Energy Code and the fire safety codes and standards adopted pursuant to Title 25, section 2452. The board shall develop rules designed to resolve these conflicts, which must include:

(1) Notification to the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and a request for submission of proposed solutions for such conflicts;

(2) Procedures for consideration of proposed solutions submitted by the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and consideration of new approaches to resolving the conflict; and

(3) Publication of resolution of the conflict within 30 days of adoption;

E. On January 31st of each calendar year beginning in 2011, report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards referenced in section 9725, subsections 2 to 7; proposals to improve the efficiency and effectiveness of those codes and standards; and alternative methods of funding for the board to create an equitable source of revenue;

F. Develop technical advisory groups of experts and interest group representatives as necessary to provide the board with detailed information and recommendations on amendments to the Maine Uniform Building and Energy Code, national model codes revisions and conflict resolution with other building-related codes and standards adopted in the State. The board may direct the technical advisory groups to identify economic impacts on small businesses, housing affordability, construction costs, life-cycle costs or code enforcement costs of proposed changes to the code;

G. In accordance with section 9723, ensure that training and certification regarding the Maine Uniform Building and Energy Code is readily available, affordable and accessible to municipal building officials; and

~~H. Make historic preservation a policy priority in the adoption and amendment of the Maine Uniform Building and Energy Code.~~

~~(1) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings must be maintained in the adopted versions of the Maine Uniform Building and Energy Code.~~

~~(2) The board shall proactively identify additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;~~

I. Approve methods of energy performance rating for use in generating any consumer information labels that may be required in the marketing and sale of residential and commercial buildings or units within buildings;

~~J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code;~~

~~K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code;~~

~~L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council;~~

~~M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; and~~

~~N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code.~~

Sec. 5. 10 MRSA §9724, sub-§1, as amended by PL 2011, c. 408, §4, is further amended to read:

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

Sec. 6. 10 MRSA §9724, sub-§1-A, as enacted by PL 2011, c. 408, §5, is amended to read:

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents ~~is not required to enforce, but may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000 or fewer residents except to the extent the municipality has adopted that code pursuant to this subsection.~~

Sec. 7. 25 MRSA §2373, first ¶, as amended by PL 2011, c. 408, §6, is further amended to read:

The code must be enforced in a municipality that has more than 4,000 residents ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The code must be enforced through inspections that comply with the code through any of the following means:



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 921

H.P. 676

House of Representatives, February 21, 2019

**An Act To Allow Municipalities To Adopt Stricter Building and
Energy Code Standards Than the Maine Uniform Building and
Energy Code**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KESSLER of South Portland.
Cosponsored by Representative INGWERSEN of Arundel, Senator CHIPMAN of Cumberland
and Representatives: CAIAZZO of Scarborough, FECTEAU of Biddeford, RYKERSON of
Kittery.

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

2 **Sec. 1. 10 MRSA §9724, sub-§1**, as amended by PL 2011, c. 408, §4, is further
3 amended to read:

4 **1. Limitations on home rule authority.** This chapter provides express limitations
5 on municipal home rule authority. The Maine Uniform Building and Energy Code or a
6 building code and an energy code containing standards more stringent than those
7 contained in the Maine Uniform Building and Energy Code must be enforced in a
8 municipality that has more than 4,000 residents and that has adopted any building code
9 by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy
10 Code must be enforced in a municipality that has more than 4,000 residents and that has
11 not adopted any building code by August 1, 2008. ~~The Maine Uniform Building and~~
12 ~~Energy Code~~ Beginning October 15, 2019, a municipality may adopt a building code and
13 an energy code containing standards more stringent than those contained in the Maine
14 Uniform Building and Energy Code. Prior to establishing building code and energy code
15 standards more stringent than those contained in the Maine Uniform Building and Energy
16 Code, municipalities must receive written approval from the board. All building codes
17 and energy codes must be enforced through inspections that comply with Title 25, section
18 2373.

19 **Sec. 2. 10 MRSA §9724, sub-§1-A**, as enacted by PL 2011, c. 408, §5, is
20 amended to read:

21 **1-A. Municipalities up to 4,000 residents.** A municipality of up to 4,000 residents
22 may not adopt or enforce a building code other than the Maine Uniform Building Code,
23 the Maine Uniform Energy Code ~~or~~, the Maine Uniform Building and Energy Code or a
24 building code or energy code containing standards more stringent than those contained in
25 the Maine Uniform Building and Energy Code. Notwithstanding any other provision of
26 this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code,
27 the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not
28 apply in a municipality that has 4,000 or fewer residents except to the extent the
29 municipality has adopted that code pursuant to this subsection. Prior to establishing
30 building code or energy code standards more stringent than those contained in the Maine
31 Uniform Building and Energy Code, municipalities must receive written approval from
32 the board.

33 SUMMARY

34 This bill authorizes municipalities to adopt building and energy code requirements
35 that are more strict than those contained in the Maine Uniform Building and Energy
36 Code.

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND NINETEEN

S.P. 480 - L.D. 1543

An Act To Amend the Maine Uniform Building and Energy Code**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 10 MRSA §9722, sub-§6, ¶M, as amended by PL 2015, c. 126, §2, is further amended to read:

M. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code; ~~and~~

Sec. 2. 10 MRSA §9722, sub-§6, ¶N, as enacted by PL 2015, c. 126, §3, is amended to read:

N. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that buildings used to house livestock or harvested crops are not subject to the code.; ~~and~~

Sec. 3. 10 MRSA §9722, sub-§6, ¶O is enacted to read:

O. No later than July 1, 2020, adopt, amend and maintain an appendix to the Maine Uniform Building and Energy Code as an optional part of the code that contains energy conservation and efficiency requirements that are based on established national voluntary efficiency standards that exceed the energy code requirements established in the Maine Uniform Building and Energy Code. As the code is updated, the board shall ensure that the energy conservation and efficiency requirements in the appendix continue to exceed the requirements established in the Maine Uniform Building and Energy Code. The appendix must be made available for voluntary adoption by any municipality. The board shall maintain a list of municipalities that have voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on its publicly accessible website.

