

MAINE STATE LEGISLATURE

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BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 466, L.D. 652, Bill, "An Act To Clarify the Maine Uniform Building and Energy Code"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'PART A

Sec. A-1. 10 MRSA §1415-C, sub-§7, as enacted by PL 2007, c. 699, §2, is amended to read:

7. Repeal. This section is repealed ~~July~~ December 1, 2010.

Sec. A-2. 10 MRSA §1415-D, sub-§2, as enacted by PL 2007, c. 699, §3, is amended to read:

2. Repeal. This section is repealed ~~July~~ December 1, 2010.

Sec. A-3. 10 MRSA §1420, sub-§4, as enacted by PL 2007, c. 699, §4, is amended to read:

4. Repeal. This section is repealed ~~July~~ December 1, 2010.

Sec. A-4. 10 MRSA §9707, as enacted by PL 2007, c. 699, §5, is amended to read:

§9707. Repeal

This chapter is repealed ~~July~~ December 1, 2010.

Sec. A-5. 10 MRSA §9721, sub-§1-A is enacted to read:

1-A. Building code. "Building code" means any part or portion of any edition of a code that regulates the construction of a building, including codes published by the International Code Council or Building Officials and Code Administrators International, Inc., or the Maine Model Building Code or the International Existing Building Code

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1 adopted pursuant to Title 10, section 9702, but does not include the fire and life safety
2 codes in Title 25, section 2452.

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

5 E. On ~~December~~ January 31st of each calendar year beginning in ~~2010~~ 2011, report
6 to the joint standing committee of the Legislature having jurisdiction over business,
7 research and economic development matters any proposals for proposed conflict
8 resolutions for codes and standards referenced in section 9725, subsections 2 to 7;
9 proposals to improve the efficiency and effectiveness of those codes and standards;
10 and alternative methods of funding for the board to create an equitable source of
11 revenue;

12 **Sec. A-7. 10 MRSA §9724, sub-§1,** as enacted by PL 2007, c. 699, §6, is
13 amended to read:

14 **1. Limitations on home rule authority.** This chapter provides express limitations
15 on municipal home rule authority. Beginning ~~July~~ December 1, 2010, the Maine Uniform
16 Building and Energy Code must be enforced in a municipality that has more than 2,000
17 residents and that has adopted any building code by August 1, 2008. Beginning July 1,
18 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality
19 that has more than 2,000 residents and that has not adopted any building code by August
20 1, 2008. The Maine Uniform Building and Energy Code must be enforced through
21 inspections that comply with Title 25, section 2373.

22 **Sec. A-8. 10 MRSA §9724, sub-§2,** as enacted by PL 2007, c. 699, §6, is
23 amended to read:

24 **2. Prior statewide codes and standards.** Effective ~~July~~ December 1, 2010, the
25 Maine Uniform Building and Energy Code adopted pursuant to this chapter replaces, and
26 is intended to be the successor to, the Model Energy Code established in Title 35-A,
27 section 121 and the Maine model radon standard for new residential construction set forth
28 in Title 25, section 2466.

29 **Sec. A-9. 10 MRSA §9724, sub-§3,** as enacted by PL 2007, c. 699, §6, is
30 amended to read:

31 **3. Ordinances.** Effective ~~July~~ December 1, 2010, except as provided in subsection 4
32 and section 9725, any ordinance regarding a building code of any political subdivision of
33 the State that is inconsistent with the Maine Uniform Building and Energy Code is void.

34 **Sec. A-10. 25 MRSA §2353,** as amended by PL 2007, c. 699, §8 and affected by
35 §26, is repealed and the following enacted in its place:

36 **§2353. Duty to inspect buildings under construction**

37 Unless the municipality is enforcing the Maine Uniform Building and Energy Code
38 by means of 3rd-party inspectors pursuant to section 2373, subsection 4, the building
39 official shall inspect each new building during the process of construction, so far as may
40 be necessary, to see that all proper safeguards against the catching or spreading of fire are
41 used, that the chimneys and flues are made safe and that proper cutoffs are placed
42 between the timbers in the walls and floorings where fire would be likely to spread, and

1 may give such directions in writing to the owner or contractor as the building official
2 considers necessary concerning the construction of such building so as to render the same
3 safe from the catching and spreading of fire.

4 This section is repealed December 1, 2010.

5 **Sec. A-11. 25 MRSA §2357**, as amended by PL 1999, c. 725, §5 and PL 2007, c.
6 699, §9 and affected by §26, is repealed and the following enacted in its place:

7 **§2357. No occupancy without certificate; appeal**

8 Subject to the provisions of Title 10, chapter 951, a new building may not be
9 occupied until the building official has given a certificate that the same has been built in
10 accordance with section 2353, and so as to be safe from fire. The inspector of buildings
11 may issue the certificate of occupancy upon receipt of an inspection report by a certified
12 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no
13 obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the
14 certificate of occupancy. If the owner permits it to be so occupied without such
15 certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In
16 case the building official for any cause declines to give that certificate and the builder has
17 in the builder's own judgment complied with section 2353, an appeal may be taken to the
18 municipal officers and, if on such appeal it is decided by them that the section has been
19 complied with, the owner of the building is not liable to a fine for want of the certificate
20 of the building official.

21 This section is repealed December 1, 2010.

22 **Sec. A-12. 25 MRSA §2373, first ¶**, as enacted by PL 2007, c. 699, §11, is
23 amended to read:

24 Beginning July December 1, 2010, the code must be enforced in a municipality that
25 has more than 2,000 residents and that has adopted any building code by August 1, 2008.
26 Beginning July 1, 2012, the code must be enforced in a municipality that has more than
27 2,000 residents and that has not adopted any building code by August 1, 2008. The code
28 must be enforced through inspections that comply with the code through any of the
29 following means:

30 **Sec. A-13. 25 MRSA §2466, sub-§5**, as enacted by PL 2007, c. 699, §14, is
31 amended to read:

32 **5. Repeal.** This section is repealed ~~July~~ December 1, 2010.

33 **Sec. A-14. 30-A MRSA §4451, sub-§2-A, ¶E**, as amended by PL 2007, c. 699,
34 §15, is further amended to read:

35 E. Building standards under chapter 141; chapter 185, subchapter 1; beginning
36 ~~January~~ June 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331.

37 **Sec. A-15. 35-A MRSA §121, sub-§3**, as enacted by PL 2007, c. 699, §19, is
38 amended to read:

39 **3. Repeal.** This section is repealed ~~January~~ December 1, 2010.

40 **Sec. A-16. PL 2007, c. 699, §21, sub-§3** is amended to read:

1 3. The board shall adopt the Maine Uniform Building and Energy Code no later than
2 ~~January~~ June 1, 2010.

3 A. Between ~~January~~ June 1, 2010 and ~~July~~ December 1, 2010, building construction
4 and renovation projects may utilize either the Maine Uniform Building and Energy
5 Code or existing building and energy codes adopted by any political subdivision of
6 the State.

7 B. The board shall maintain an adoption cycle for future versions of the Maine
8 Uniform Building and Energy Code that is coordinated with the State Fire Marshal's
9 adoption cycle and that does not lapse more than 5 years or one national model code
10 version cycle.

11 **Sec. A-17. PL 2007, c. 699, §27** is amended to read:

12 **Sec. 27. Staggered effective date for enforcement of Maine Uniform**
13 **Building and Energy Code.** A municipality that has more than 2,000 residents that
14 has adopted any building code by August 1, 2008 shall begin enforcement of the Maine
15 Uniform Building and Energy Code adopted pursuant to the Maine Revised Statutes,
16 Title 10, chapter 1103 by ~~June~~ December 1, 2010. Any municipality with more than
17 2,000 residents that has not adopted any building code by August 1, 2008 shall begin
18 enforcement of the Maine Uniform Building and Energy Code by January 1, 2012.

19 **Sec. A-18. Resolve 2007, c. 219, §1** is amended to read:

20 **Sec. 1. Study. Resolved:** That the Department of Professional and Financial
21 Regulation shall study the issue of residential contractor licensing. The department shall
22 include in its study a review of the various building and energy codes in existence
23 throughout the State. The department shall report its recommendations for residential
24 contractor licensing to the joint standing committee of the Legislature having jurisdiction
25 over business, research and economic development matters no later than ~~January 4,~~
26 December 1, 2010. The joint standing committee of the Legislature having jurisdiction
27 over business, research and economic development matters may submit legislation
28 regarding residential contractor licensing to the ~~Second~~ First Regular Session of the ~~124th~~
29 125th Legislature.

30 **Sec. A-19. Review.** The Technical Building Codes and Standards Board
31 established under the Maine Revised Statutes, Title 10, section 9722 shall review issues
32 regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims
33 protection, and make any recommendations for changes to the law, including any
34 necessary implementing legislation, to the Joint Standing Committee on Business,
35 Research and Economic Development no later than December 1, 2010.

36 **Sec. A-20. Retroactivity.** That section of this Act that amends Public Law 2007,
37 chapter 699, section 23 applies retroactively to March 1, 2009.

38 **PART B**

39 **Sec. B-1. 25 MRSA §2351**, as corrected by RR 1995, c. 2, §56 and amended by
40 PL 2007, c. 699, §7 and affected by §26, is repealed and the following enacted in its
41 place:

1 **§2351. Building official; compensation; jurisdiction; deputy**

2 In every town and city of more than 2,000 inhabitants, and in every town of 2,000
3 inhabitants or less, if such a town so votes at a town meeting, and in each village
4 corporation, if such a corporation so votes at the annual meeting of the corporation, the
5 municipal officers shall annually in the month of April appoint a building official, who
6 must be a person skilled in the construction of buildings, and shall determine the building
7 official's compensation. The municipal officers shall define the limits within which the
8 building official has jurisdiction, which includes the thickly settled portion of each such
9 city or of each village in each such city or town. Whenever the building official becomes
10 incapacitated, the municipal officers may appoint or authorize the building official to
11 appoint a deputy building official, who shall serve until removed by the municipal
12 officers, but in no event beyond the term for which the building official was appointed.
13 The deputy building official shall perform such duties as may be required of the deputy
14 building official by the building official. The compensation of the deputy building
15 official is determined by the municipal officers.

16 This section is repealed December 1, 2010.

17 **Sec. B-2. 25 MRSA §2351-A** is enacted to read:

18 **§2351-A. Building official; compensation; deputy**

19 In every town and city of more than 2,000 inhabitants, and in every town of 2,000
20 inhabitants or less, if such a town so votes at a town meeting, and in each village
21 corporation, if such a corporation so votes at the annual meeting of the corporation, the
22 municipal officers shall annually in the month of April appoint a building official, who
23 must be a person certified in building standards pursuant to Title 30-A, section 4451,
24 subsection 2-A, paragraph E, and shall determine the building official's compensation.
25 Whenever the building official becomes incapacitated, the municipal officers may
26 appoint or authorize the building official to appoint a deputy building official, who shall
27 serve until removed by the municipal officers, but in no event beyond the term for which
28 the building official was appointed. The deputy building official shall perform such
29 duties as may be required of the deputy building official by the building official. The
30 compensation of the deputy building official is determined by the municipal officers.

31 This section takes effect December 1, 2010.

32 **Sec. B-3. 25 MRSA §2352**, as amended by PL 1975, c. 623, §34, is further
33 amended to read:

34 **§2352. Right to enter buildings**

35 ~~An inspector of buildings~~ A building official in the performance of ~~his~~ the building
36 official's official duty may enter any building for the purpose of making the inspection
37 required by chapters 313 to 321.

38 **Sec. B-4. 25 MRSA §2353-A** is enacted to read:

39 **§2353-A. Duty to inspect buildings under construction**

40 Unless the municipality is enforcing the Maine Uniform Building and Energy Code
41 by means of 3rd-party inspectors pursuant to section 2373, subsection 4, the building

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1 official shall inspect each building during the process of construction for compliance with
2 the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103
3 and so far as may be necessary to see that all proper safeguards against the catching or
4 spreading of fire are used, that the chimneys and flues are made safe and that proper
5 cutoffs are placed between the timbers in the walls and floorings where fire would be
6 likely to spread, and may give such directions in writing to the owner or contractor as the
7 building official considers necessary concerning the construction of the building so as to
8 render the building safe from the catching and spreading of fire.

9 This section takes effect December 1, 2010.

10 **Sec. B-5. 25 MRSA §2354**, as amended by PL 1991, c. 714, §6, is further
11 amended to read:

12 **§2354. Inspection of buildings being repaired**

13 Subject to Title 32, chapter 33, the ~~inspector of buildings~~ building official shall
14 inspect all buildings while in process of being repaired and see that all reasonable
15 safeguards are used against the catching and spreading of fire and that the chimneys and
16 flues are made safe. The ~~inspector~~ building official may give directions in writing to the
17 owner as necessary concerning such repairs to render the building safe from the catching
18 and spreading of fire.

19 **Sec. B-6. 25 MRSA §2356** is amended to read:

20 **§2356. Appeals**

21 An appeal in writing may be taken from any order or direction of the ~~inspector of~~
22 ~~buildings~~ building official to the municipal officers, whose order thereon ~~shall be~~ is final.

23 **Sec. B-7. 25 MRSA §2357-A** is enacted to read:

24 **§2357-A. No occupancy without certificate; appeal**

25 Subject to the provisions of Title 10, chapter 951, a building may not be occupied
26 until the building official has given a certificate of occupancy for compliance with the
27 Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103,
28 pursuant to the required inspections in section 2373 that the building has been built in
29 accordance with section 2353-A, and so as to be safe from fire. The inspector of buildings
30 may issue the certificate of occupancy upon receipt of an inspection report by a certified
31 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no
32 obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the
33 certificate of occupancy. If the owner permits it to be so occupied without such
34 certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In
35 case the building official for any cause declines to give that certificate and the builder has
36 in the builder's own judgment complied with section 2353-A, an appeal may be taken to
37 the municipal officers and, if on such appeal it is decided by them that the section has
38 been complied with, the owner of the building is not liable to a fine for want of the
39 certificate of the building official.

40 This section takes effect December 1, 2010.

1 **Sec. B-8. 25 MRSA §2358**, as amended by PL 1989, c. 502, Pt. A, §102, is
2 further amended to read:

3 **§2358. Failure to comply with order of building official**

4 If the owner of any building neglects or refuses for more than 30 days to comply with
5 any direction of the ~~inspector of buildings~~ building official concerning the repairs on any
6 building as provided in section 2354, the owner ~~shall~~ must be penalized in accordance
7 with Title 30-A, section 4452.

8 **Sec. B-9. 25 MRSA §2359**, as repealed and replaced by PL 1995, c. 462, Pt. A,
9 §48, is amended to read:

10 **§2359. Refusing admission to building official**

11 An owner or occupant of a building, who refuses to permit ~~an inspector of buildings~~ a
12 building official to enter the ~~buildings~~ building or willfully obstructs the ~~inspector~~
13 building official in the inspection of ~~such~~ the building as required by chapters 313 to 321,
14 must be penalized in accordance with Title 30-A, section 4452.

15 **Sec. B-10. 25 MRSA §2360**, as amended by PL 1987, c. 35, §3, is further
16 amended to read:

17 **§2360. Authority to enter buildings; remedy of conditions appeals**

18 The ~~inspector of buildings~~ building official, the fire inspector and the municipal
19 officers of any city or town may at all reasonable hours, for the purpose of examination,
20 enter into and upon all buildings and premises within their jurisdiction. Whenever any of
21 ~~said~~ those officers ~~shall~~ find in any building or upon any premises combustible material,
22 inflammable conditions or heating fixtures or apparatus so situated or constructed as to be
23 dangerous to the safety of such buildings or premises, they shall order the same to be
24 removed or remedied, and such order ~~shall~~ must be forthwith complied with by the owner
25 or occupant of ~~said~~ those buildings or premises. ~~If the said~~ An owner or occupant ~~shall~~
26 ~~deem himself~~ aggrieved by such order when made by the ~~inspector of buildings~~ building
27 official or the fire inspector, ~~he~~ may within 24 hours appeal to the municipal officers, and
28 the cause of the complaint ~~shall~~ must be at once investigated by the direction of the latter
29 and, unless by their authority ~~the~~ that order ~~above-named~~ is revoked, ~~such~~ that order ~~shall~~
30 ~~remain~~ remains in force and must be forthwith complied with by ~~said~~ the owner or
31 occupant. The ~~inspector of buildings~~ building official, the fire inspector or the municipal
32 officers shall make, or cause to be made, an immediate investigation as to the presence of
33 combustible material or the existence of inflammable conditions in any building or upon
34 any premises under their jurisdiction, upon complaint of any person having an interest in
35 ~~said~~ those buildings or premises or property adjacent thereto. Any owner or occupant of
36 buildings or premises, failing to comply with the orders of the authorities above specified,
37 ~~shall~~ must be punished by a fine of not less than \$5 for each day's neglect.

38 **Sec. B-11. 25 MRSA §2361, sub-§1**, as enacted by PL 1985, c. 101 and
39 amended by PL 2007, c. 699, §10 and affected by §26, is repealed and the following
40 enacted in its place:

41 **1. Municipal enforcement.** Duly appointed fire chiefs or their designees, municipal
42 building officials and code enforcement officers may bring a civil action in the name of

1 the municipality to enforce any of the state laws, duly adopted state rules or local
2 ordinances enacted pursuant to chapters 313 to 321. This subsection is repealed
3 December 1, 2010; and

4 **Sec. B-12. 25 MRSA §2361, sub-§1-A** is enacted to read:

5 **1-A. Municipal enforcement.** Effective December 1, 2010, duly appointed fire
6 chiefs or their designees, municipal building officials and code enforcement officers may
7 bring a civil action in the name of the municipality to enforce any of the state laws, duly
8 adopted state rules or local ordinances enacted pursuant to this Part and Title 10, chapter
9 1103; and

10 **Sec. B-13. 30-A MRSA §7060, sub-§1, ¶B,** as enacted by PL 1987, c. 737, Pt.
11 A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
12 10, is further amended to read:

13 B. Establishing adequate standards for all features of means of exit, fire protection,
14 fire prevention, accident prevention and structural safety of buildings ~~which~~ that are
15 used occasionally or regularly for public assembly; compelling the owners to make
16 improvements to bring these buildings up to the established standards; requiring the
17 owner or lessee of a building used for public assembly ~~which~~ that is regulated by an
18 ordinance authorized by this section and operated with the intent of financial gain to
19 obtain a permit for which a fee may be imposed commensurate with its size or
20 capacity; and requiring the owner or lessee of such a building to file a plan showing
21 all safety features as a condition precedent to the issue of a permit or the further use
22 of one already issued.

23 (1) The building ~~inspector~~ official shall send a written order to the owner or
24 lessee of a building used for public assembly requiring any conditions ~~which~~ that
25 exist in violation of an ordinance to be corrected within 30 days after the order is
26 sent.

27 (2) After the 30-day period expires, the owner or lessee is strictly liable for all
28 injury caused by the failure to correct the violations and the building ~~inspector~~
29 official shall order the building vacated.

30 (3) As used in this section, "building used for public assembly" means a room or
31 space in or on any structure ~~which~~ that is used for the gathering of 100 or more
32 persons for any purpose and includes any room or space on the same level, above
33 or below, ~~which~~ that has a common entrance; and

34 **Sec. B-14. 30-A MRSA §7060, sub-§2,** as enacted by PL 1987, c. 737, Pt. A, §2
35 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. A, §56 and Pt. C,
36 §§8 and 10, is further amended to read:

37 **2. Additional provisions.** The provisions of this subsection apply to subsection 1.

38 A. The provisions pertaining to buildings apply equally to all structures and parts of
39 them, including mobile and modular homes.

40 B. The building ~~inspector~~ official is the licensing authority, unless otherwise
41 provided by the plantation.

1 C. Ordinances defining the duties of the building ~~inspector~~ official and other
2 enforcement officers, not contrary to Title 25, chapter 313, may be enacted. All
3 enforcement officers designated by ordinance shall must be given free access at
4 reasonable hours to all parts of buildings regulated by ordinance.

5 D. An application for a permit must be in writing and must be signed by the
6 applicant and directed to the building ~~inspector~~ official. The failure of the building
7 ~~inspector~~ official to issue a written notice of the decision, directed to the applicant
8 within 30 days from the filing of the application, constitutes a refusal of the permit.
9 The building ~~inspector~~ official shall may not issue any permit:

10 (1) For a building or use for which the applicant is required to obtain a license
11 under Title 38, section 413, until the applicant has obtained that license; ~~nor~~ or

12 (2) For a building or use within a land subdivision, as defined in section 4551
13 4401, unless that subdivision has been approved in accordance with that section.

14 E. An appeal may be taken from any order issued by the building ~~inspector~~ official
15 or from the licensing authority's refusal to grant a permit.

16 (1) A person aggrieved by an order of the building ~~inspector~~ official or a permit
17 applicant may appeal in writing to the plantation assessors. At their next meeting
18 following receipt of the appeal, the plantation assessors shall affirm, modify or
19 set aside the decision of the building ~~inspector~~ official according to the terms of
20 the pertinent ordinance. They may permit a variation from the terms of an
21 ordinance when necessary to avoid undue hardship, ~~provided that as long as~~ there
22 is no substantial departure from the intent of the ordinance. They may permit an
23 exception to an ordinance only when the terms of the exception have been
24 specifically set forth by the plantation. The failure of the plantation assessors to
25 issue a written notice of their decision, directed to the applicant, within 30 days
26 from the filing of the appeal constitutes a denial of the appeal. If a plantation has
27 by ordinance required that all such appeals be taken to a board of appeals, the
28 procedure shall must be the same as in appeals directed to the plantation
29 assessors, unless the plantation has provided otherwise.

30 (2) An appeal may be taken from the decision of the plantation assessors or the
31 board of appeals as provided in section 2691, subsection 3, paragraph G.

32 **Sec. B-15. 33 MRSA §592, sub-§7, ¶A**, as enacted by PL 1999, c. 478, §1, is
33 amended to read:

34 A. The escrow agreement must provide that the funds or other consideration may be
35 released only as provided in this paragraph.

36 (1) If the purchaser gives a valid notice of cancellation pursuant to this section or
37 is otherwise entitled to cancel the sale, the funds or other consideration received
38 from or on behalf of the purchaser must be returned to the purchaser.

39 (2) If the purchaser defaults in the performance of any obligation relating to the
40 purchase or ownership of the time-share following the expiration of the
41 cancellation period set out in subsection 1, the developer shall provide an
42 affidavit to the escrow agent requesting release of the escrowed funds or other

1 consideration and shall provide a copy of the affidavit to the purchaser who has
2 defaulted. If, within 7 calendar days of mailing the affidavit, the developer has
3 not received from the purchaser a written notice of a dispute between the
4 purchaser and the developer or a claim to the escrowed funds or other
5 consideration, the funds or other consideration received from or on behalf of the
6 purchaser must be immediately released to the developer.

7 (3) If no cancellation or default has occurred, the escrow agent may release the
8 funds or other consideration upon presentation of an affidavit by the developer
9 that:

10 (a) The cancellation period has expired; and

11 (b) A certificate or statement of substantial completion has been executed by
12 an engineer or architect or a certificate of occupancy has been issued by the
13 municipal ~~inspector of buildings~~ building official for the time-share unit
14 containing the time-share.

15 **Sec. B-16. 33 MRSA §1602-101, sub-§(b)**, as enacted by PL 1981, c. 699, is
16 amended to read:

17 (b) No interest in any unit may be conveyed to a purchaser until the unit is
18 substantially completed as evidenced by a certificate or statement of substantial
19 completion executed by an engineer or architect, or until a certificate of occupancy is
20 issued by the municipal ~~inspector of buildings~~ building official; ~~provided except~~ that this
21 limitation ~~shall~~ does not apply to contracts, options or reservations for sale of units later
22 to be so completed ~~nor~~ or to mortgages or transfers of units as security for an obligation,
23 deeds in lieu of foreclosure, foreclosures and foreclosure sales, conveyances to successor
24 declarants or to any person in the business of selling real estate for his that person's own
25 account, or to financial institutions.

26 SUMMARY

27 This amendment replaces the bill. Part A provides the following changes to the
28 Maine Uniform Building and Energy Code.

29 1. It changes from July 1, 2010 to December 1, 2010 the date by which a
30 municipality that has more than 2,000 residents that has adopted any building code by
31 August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy
32 Code.

33 2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine
34 Uniform Building and Energy Code becomes the successor to all adopted building,
35 energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010
36 the effective date for code enforcement officers to become certified in the Maine Uniform
37 Building and Energy Code standards.

38 3. It adds a definition for building codes that were adopted by municipalities prior to
39 the Maine Uniform Building and Energy Code to clarify which municipalities will trigger
40 the staggered enforcement provisions.

1 4. It exempts municipalities that are enforcing the Maine Uniform Building and
2 Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the
3 provision of law requiring the inspector of buildings to inspect construction for
4 compliance with the Maine Uniform Building and Energy Code.

5 5. It specifies that the inspector of buildings may issue a certificate of occupancy
6 upon receipt of an inspection report by a certified 3rd-party inspector and that the
7 municipality is not obligated to review the report for accuracy.

8 6. It changes the date that the Technical Building Codes and Standards Board is
9 required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to
10 no later than June 1, 2010 and similarly extends the date that building construction and
11 renovation projects may utilize either the Maine Uniform Building and Energy Code or
12 existing building and energy codes adopted by any political subdivision of the State from
13 between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1,
14 2010.

15 7. It changes the Technical Building Codes and Standards Board annual reporting
16 date from December 31st each year to January 31st each year, beginning in 2011, which
17 requires the board to report to the joint standing committee of the Legislature having
18 jurisdiction over business, research and economic development matters any proposals for
19 proposed conflict resolutions for codes and standards, proposals to improve the efficiency
20 and effectiveness of those codes and standards and alternative methods of funding for the
21 board to create an equitable source of revenue.

22 8. It requires the Technical Building Codes and Standards Board to review issues
23 regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims
24 protection, and make any recommendations for changes to the law, including any
25 necessary implementing legislation, to the Joint Standing Committee on Business,
26 Research and Economic Development no later than December 1, 2010.

27 9. It also provides the Department of Professional and Financial Regulation with an
28 extension until December 1, 2010 to provide the report that is required pursuant to
29 Resolve 2007, chapter 219 on the issue of residential contractor licensing.

30 Part B resolves errors and potential conflicts created by enactment of Public Law
31 2007, chapter 699, which through a revision clause attempted to change references to the
32 position of inspector of buildings to the position of building official. In some instances a
33 direct replacement by revision clause was impossible because the terminology to be
34 changed was not exactly the same as that specified in the revision clause. In some
35 instances where substantive changes were made in the public law in a section having a
36 postponed effective date, changing the terminology by revision clause would have created
37 a future conflict. This Part also incorporates changes contained in Part A.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 652

LR 1146(02)

An Act To Clarify the Maine Uniform Building and Energy Code

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Business, Research and Economic Development
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs to the State Planning Office associated with assisting municipalities in adopting Maine Uniform Building and Energy Codes can be absorbed within existing budgeted resources.