

# MAINE STATE LEGISLATURE

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R O F S

L.D. 1253

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Date: 5-31-11

(Filing No. S- 210)

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**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

4

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**STATE OF MAINE**

6

**SENATE**

7

**125TH LEGISLATURE**

8

**FIRST REGULAR SESSION**

9

COMMITTEE AMENDMENT "A" to S.P. 374, L.D. 1253, Bill, "An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes"

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

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**Emergency preamble. Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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15

**Whereas,** immediate clarification and adjustments in the Maine Uniform Building and Energy Code are necessary to ensure that Maine's consumers, builders, contractors and lending community are able to build and sell high-quality buildings in the State; and

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**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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**Sec. 1. 10 MRSA §9722, sub-§6, ¶J,** as enacted by PL 2007, c. 699, §6, is amended to read:

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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; ~~and~~

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**Sec. 2. 10 MRSA §9722, sub-§6, ¶K,** as enacted by PL 2007, c. 699, §6, is amended to read:

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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; and

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

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

5 **Sec. 4. 10 MRSA §9724, sub-§3,** as amended by PL 2009, c. 261, Pt. A, §9, is  
6 further amended to read:

7 **3. Ordinances.** Effective December 1, 2010, except as provided in subsection ~~4~~ 5  
8 and section 9725, any ordinance regarding a building code of any political subdivision of  
9 the State that is inconsistent with the Maine Uniform Building and Energy Code is void.

10 **Sec. 5. 10 MRSA §9724, sub-§4,** as enacted by PL 2007, c. 699, §6, is repealed.

11 **Sec. 6. 10 MRSA §9724, sub-§5** is enacted to read:

12 **5. Exception.** This section does not prohibit the adoption or enforcement of an  
13 ordinance of any political subdivision that sets forth provisions for local enforcement of  
14 building codes. This section does not prohibit the adoption or enforcement of an  
15 ordinance of any political subdivision that sets forth the swimming pool fencing  
16 standards, without amendment, contained in Appendix G of the 2nd edition of the 2009  
17 International Residential Code.

18 **A.** The requirements of the Maine Uniform Building and Energy Code do not apply  
19 to:

20 (1) Log homes or manufactured housing as defined in chapter 951;

21 (2) Post and beam or timber frame construction; or

22 (3) Warehouses or silos used to store harvested crops.

23 **B.** The requirements of the 2009 edition of the International Energy Conservation  
24 Code within the Maine Uniform Building and Energy Code do not apply to  
25 seasonally restricted cottages.

26 For the purposes of this paragraph, "seasonally restricted cottage" means a residential  
27 building unit made up of a room or group of rooms that provide sleeping  
28 accommodations, as well as accommodations for bathing and cooking, for not more  
29 than the entire summer season and that do not have water service after the summer  
30 season. This paragraph is repealed June 15, 2012.

31 **Sec. 7. 25 MRSA §2357-A, first ¶,** as amended by PL 2011, c. 94, §1, is further  
32 amended to read:

33 ~~Subject to the provisions of Title 10, chapter 951, a~~ A building in a municipality of  
34 more than 2,000 inhabitants may not be occupied until the building official has given a  
35 certificate of occupancy for compliance with the Maine Uniform Building and Energy  
36 Code adopted pursuant to Title 10, chapter 1103, pursuant to and in accordance with the  
37 required inspections enforcement and inspection options provided in section 2373 that the  
38 building has been built in accordance with section 2353-A, and so as to be safe from fire.  
39 The building official may issue the certificate of occupancy upon receipt of an inspection  
40 report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The  
41 municipality has no obligation to review a report from a 3rd-party inspector for accuracy

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1 prior to issuing the certificate of occupancy. If the owner permits it to be so occupied  
2 without such certificate, the owner must be penalized in accordance with Title 30-A,  
3 section 4452. In case the building official for any cause declines to give that certificate  
4 and the builder has in the builder's own judgment complied with section 2353-A, an  
5 appeal may be taken ~~to the municipal officers~~ pursuant to Title 30-A, section 4103,  
6 subsection 5 and, if on such appeal it is decided ~~by them~~ that the section 2353-A has been  
7 complied with, the owner of the building is not liable to a fine for want of the certificate  
8 of the building official.

9 **Sec. 8. 25 MRSA §2361, sub-§1-A**, as enacted by PL 2009, c. 261, Pt. B, §12, is  
10 amended to read:

11 **1-A. Municipal enforcement.** Effective December 1, 2010, duly appointed fire  
12 chiefs or their designees, municipal building officials and code enforcement officers,  
13 when authorized by their respective municipal employer, may bring a civil action in the  
14 name of the municipality to enforce any of the state laws, duly adopted state rules or local  
15 ordinances enacted pursuant to this Part and Title 10, chapter 1103; and

16 **Sec. 9. 25 MRSA §2371, sub-§6**, as enacted by PL 2007, c. 699, §11, is amended  
17 to read:

18 **6. Third-party inspector.** "Third-party inspector" means a person certified by the  
19 State to conduct inspections under Title 30-A, section 4451 for compliance with the code.  
20 A 3rd-party inspector may not hold a pecuniary interest, directly or indirectly, in any  
21 building for which the 3rd-party inspector issues an inspection report pursuant to section  
22 2373 and may not ~~be~~ serve as a 3rd-party inspector in any municipality where that  
23 3rd-party inspector has been appointed as a building official or code enforcement officer.

24 **Emergency clause.** In view of the emergency cited in the preamble, this  
25 legislation takes effect when approved.'

26 **SUMMARY**

27 This amendment makes the following changes to the bill:

- 28 1. It adds an emergency preamble and emergency clause;
- 29 2. It amends the exceptions to the Maine Uniform Building and Energy Code to  
30 include crop storage buildings;
- 31 3. It amends the laws governing the Maine Uniform Building and Energy Code to  
32 provide that the requirements of the 2009 edition of the International Energy  
33 Conservation Code within the Maine Uniform Building and Energy Code do not apply to  
34 seasonally restricted cottages, but only until June 15, 2012;
- 35 4. It requires the Department of Public Safety, Technical Building Codes and  
36 Standards Board to adopt the 2006 International Energy Conservation Code standards  
37 within the Maine Uniform Building and Energy Code for residential basement wall  
38 insulation;
- 39 5. It clarifies that a certificate of occupancy demonstrating compliance with the  
40 Maine Uniform Building and Energy Code is required only of buildings located in

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COMMITTEE AMENDMENT "A" to S.P. 374, L.D. 1253

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municipalities with more than 2,000 inhabitants in accordance with the required enforcement and inspection options; and

6. It removes the provision of the bill that requires the Technical Building Codes and Standards Board to determine where and under what circumstances the radon and internal air quality building codes should be applied.

**FISCAL NOTE REQUIRED**

(See attached)

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Approved: 05/21/11 *mac*

# 125th MAINE LEGISLATURE

LD 1253

LR 620(02)

**An Act To Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes**

**Fiscal Note for Bill as Amended by Committee Amendment "A" S 210**  
**Committee: Labor, Commerce, Research and Economic Development**  
**Fiscal Note Required: Yes**

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## Fiscal Note

Minor cost increase - Other Special Revenue Funds

### Fiscal Detail and Notes

Additional costs to the Department of Public Safety associated with updating or amending the Maine Uniform Building and Energy Code can be absorbed with existing staff and within existing budgeted resources.