

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 1025

S.P. 356

In Senate, February 26, 2003

### **An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State**

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator HALL of Lincoln.  
Cosponsored by Representative: KOFFMAN of Bar Harbor.

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

Sec. 1. 32 MRSA c. 8 is enacted to read:

CHAPTER 8

OFFICE OF BUILDING CODES

§411. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Licensed building inspector. "Licensed building inspector" means an individual who has been licensed by the Office of Building Codes under this chapter to inspect commercial and residential buildings and to certify to the office that the building and energy codes have been met.

2. Office. "Office" means the Office of Building Codes established in section 412.

3. Owners or developers. "Owners or developers" means the owners or developers of commercial or residential buildings.

§412. Office of Building Codes established

The Office of Building Codes is established within the Department of Professional and Financial Regulation to carry out the functions of this chapter. The purpose of the office is to ensure uniform code compliance and efficient oversight of the construction of new residential and commercial buildings in the State.

§413. Certification requirement

All owners or developers shall certify to the office through either the code enforcement officers of the municipality in which the building is located or licensed building inspectors that a newly constructed residential or commercial building meets all applicable local or state building and energy codes. A municipality may choose to provide inspection services through municipal code enforcement officers for buildings that are located in that municipality but is under no obligation to provide these services. If a municipality chooses not to provide these services, owners or developers shall contract with licensed building inspectors to provide these services.

§414. Licensing requirement

2 A person may not provide building inspection services to  
3 owners or developers unless that person is a licensed building  
4 inspector.

6 **§415. Service fees**

8 The office shall establish a fee schedule for inspection  
9 services provided by licensed building inspectors to owners or  
10 developers based on the square footage of a building.

12 **§416. Rules**

14 The office shall adopt rules to implement this chapter. The  
15 rules must include a fee schedule for services provided by  
16 licensed building inspectors and standards for testing and  
17 licensing building inspectors. Rules adopted pursuant to this  
18 section are designated as routine technical rules as defined in  
Title 5, chapter 375, subchapter 2-A.

20 **Sec. 2. Reorganization plan.** The Department of Professional  
21 and Financial Regulation shall develop and submit a plan to the  
22 Joint Standing Committee on Business, Research and Economic  
23 Development prior to the Second Regular Session of the 121st  
24 Legislature to merge into the Office of Building Codes  
25 established in the Maine Revised Statutes, Title 32, chapter 8  
26 the plumbing, electrical, fire and energy code inspection  
27 functions of state agencies as exist on the effective date of  
28 this Act.

30 **Sec. 3. Effective date.** Section 1 of this Act takes effect July  
31 1, 2004.

34 **SUMMARY**

36 This bill establishes the Office of Building Codes within  
37 the Department of Professional and Financial Regulation to ensure  
38 the uniform code compliance and efficient oversight of  
39 construction of new residential and commercial buildings in the  
40 State. The office is responsible for providing testing and  
41 licensing standards for private building inspectors and  
42 establishing a fee schedule for building inspector services.  
43 This bill also requires owners and developers of residential and  
44 commercial buildings to certify to the Office of Building Codes  
45 that a newly constructed building meets all applicable building  
46 and energy codes. It also requires the department to submit a  
47 plan to the Joint Standing Committee on Business, Research and  
48 Economic Development prior to the Second Regular Session of the  
121st Legislature to merge into the Office of Building Codes

2 functions within existing agencies that are responsible for plumbing, electrical, fire and energy code inspections.