

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

10/8

L.D. 2257

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

Date: 4/9/08 Majority

(Filing No. H- 983)

BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257, Bill, "An Act To Establish a Uniform Building and Energy Code"

Amend the bill by inserting after section 1 the following:

Sec. 2. 10 MRSA §1415-C, sub-§7 is enacted to read:

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 This section is repealed July 1, 2010.

Sec. 3. 10 MRSA §1415-D, sub-§2 is enacted to read:

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 This section is repealed July 1, 2010.

Sec. 4. 10 MRSA §1420, sub-§4 is enacted to read:

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 This section is repealed July 1, 2010.

Amend the bill in section 2 in §9707 in the first paragraph in the first line (page 1, line 10 in L.D.) by striking out the following: "January" and inserting the following: 'July'

Amend the bill in section 3 by striking out all of §§9722, 9723 and 9724 and inserting the following:

§9722. Technical Building Codes and Standards Board

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of Public Safety, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd-party inspectors.

COMMITTEE AMENDMENT

1 2. Membership. The board consists of 11 voting members, appointed by the
2 Governor:

3 A. The State Fire Marshal or a designee or a fire chief, recommended by the Maine
4 Fire Chiefs' Association or its successor organization;

5 B. A municipal code enforcement officer employed by a municipality that is not a
6 service center community under Title 30-A, chapter 187, recommended by the Maine
7 Municipal Association or its successor organization;

8 C. A municipal code enforcement officer employed by a service center community
9 under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition
10 or its successor organization;

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

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

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

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

21 H. A historic preservation representative, recommended by the Maine Historic
22 Preservation Commission, with experience implementing the standards for the
23 treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68
24 (2007), who is:

25 (1) An architect licensed in the State;

26 (2) A structural engineer licensed in the State; or

27 (3) A builder;

28 I. An energy efficiency representative, recommended by the director of the
29 Governor's Office of Energy Independence and Security within the Executive
30 Department, who has experience or expertise in the design or implementation of
31 energy codes or in the application of energy efficiency measures in residential or
32 commercial construction;

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

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

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

H. 8 S.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

1 3. Ex officio member; chair. The Commissioner of Public Safety, or the
2 commissioner's designee, serves as an ex officio member and as the chair of the board.
3 The chair is a nonvoting member, except in the case of a tie of the board. The chair is
4 responsible for ensuring that the board maintains the purpose of its charge when
5 executing its assigned duties, that any adoption and amendment requirements for the
6 Maine Uniform Building and Energy Code are met and that training and technical
7 assistance is provided to municipal building officials.

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

12 5. Meetings; quorum. The board shall meet quarterly and at such other times as the
13 board determines necessary. Seven voting members of the board constitute a quorum for
14 the transaction of business under this chapter.

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

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

20 B. Adopt, amend and maintain the Maine Uniform Building and Energy Code;

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

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

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

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

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

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

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

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

COMMITTEE AMENDMENT

H. S.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

- 1 (a) Address a critical life or safety need, a specific state policy or statute or a
- 2 unique character of the State;
- 3 (b) Ensure consistency with state rules or federal regulations; or
- 4 (c) Correct errors and omissions;
- 5 (4) Timelines governing the filing of amendments and a process to establish an
- 6 annual adoption cycle; and
- 7 (5) A process for publication of adopted amendments within 30 days of adoption;
- 8 D. Identify and resolve conflicts between the Maine Uniform Building and Energy
- 9 Code and the fire safety codes and standards adopted pursuant to Title 25, section
- 10 2452. The board shall develop rules designed to resolve these conflicts, which must
- 11 include:
 - 12 (1) Notification to the authority or authorities having jurisdiction over the code
 - 13 or standard that is in conflict with the Maine Uniform Building and Energy Code
 - 14 and a request for submission of proposed solutions for such conflicts;
 - 15 (2) Procedures for consideration of proposed solutions submitted by the
 - 16 authority or authorities having jurisdiction over the code or standard that is in
 - 17 conflict with the Maine Uniform Building and Energy Code and consideration of
 - 18 new approaches to resolving the conflict; and
 - 19 (3) Publication of resolution of the conflict within 30 days of adoption;
- 20 E. On December 31st of each calendar year beginning in 2010, report to the joint
- 21 standing committee of the Legislature having jurisdiction over business, research and
- 22 economic development matters any proposals for proposed conflict resolutions for
- 23 codes and standards referenced in section 9725, subsections 2 to 7; proposals to
- 24 improve the efficiency and effectiveness of those codes and standards; and alternative
- 25 methods of funding for the board to create an equitable source of revenue;
- 26 F. Develop technical advisory groups of experts and interest group representatives as
- 27 necessary to provide the board with detailed information and recommendations on
- 28 amendments to the Maine Uniform Building and Energy Code, national model codes
- 29 revisions and conflict resolution with other building-related codes and standards
- 30 adopted in the State. The board may direct the technical advisory groups to identify
- 31 economic impacts on small businesses, housing affordability, construction costs, life-
- 32 cycle costs or code enforcement costs of proposed changes to the code;
- 33 G. In accordance with section 9723, ensure that training and certification regarding
- 34 the Maine Uniform Building and Energy Code is readily available, affordable and
- 35 accessible to municipal building officials;
- 36 H. Make historic preservation a policy priority in the adoption and amendment of the
- 37 Maine Uniform Building and Energy Code.
 - 38 (1) Provisions of model codes and standards intended to facilitate the continued
 - 39 use or adaptive reuse of historic buildings must be maintained in the adopted
 - 40 versions of the Maine Uniform Building and Energy Code.

COMMITTEE AMENDMENT

H. 8. 8.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

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

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

7 **§9723. Training and certification program standards**

8 **1. Appoint committee; establish requirements.** The board shall appoint a
9 5-member training and certification committee, referred to in this section as "the
10 committee," to establish the training and certification requirements for municipal building
11 officials, local code enforcement officers and 3rd-party inspectors. For purposes of this
12 section, "3rd-party inspector" has the same meaning as set forth in Title 25, section 2371,
13 subsection 6.

14 **2. Training program standards; implementation.** The committee shall direct the
15 training coordinator of the Bureau of Building Codes and Standards, established in Title
16 25, section 2372, to develop a training program for municipal building officials, local
17 code enforcement officers and 3rd-party inspectors. The Executive Department, State
18 Planning Office, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement
19 the training and certification program established under this chapter.

20 **3. Annual review.** The committee shall annually review the training program
21 developed pursuant to subsection 2 to confirm that training courses are regularly offered
22 in geographically diverse locations and that training for municipal building officials is
23 fully funded by the State.

24 **§9724. Application**

25 **1. Limitations on home rule authority.** This chapter provides express limitations
26 on municipal home rule authority. Beginning July 1, 2010, the Maine Uniform Building
27 and Energy Code must be enforced in a municipality that has more than 2,000 residents
28 and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the
29 Maine Uniform Building and Energy Code must be enforced in a municipality that has
30 more than 2,000 residents and that has not adopted any building code by August 1, 2008.
31 The Maine Uniform Building and Energy Code must be enforced through inspections that
32 comply with Title 25, section 2373.

33 **2. Prior statewide codes and standards.** Effective July 1, 2010, the Maine
34 Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is
35 intended to be the successor to, the Model Energy Code established in Title 35-A, section
36 121 and the Maine model radon standard for new residential construction set forth in Title
37 25, section 2466.

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

41 **4. Exception.** This section does not prohibit the adoption or enforcement of an
42 ordinance of any political subdivision that sets forth provisions for local enforcement of

COMMITTEE AMENDMENT

H. of S.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

1 building codes. The requirements of the Maine Uniform Building and Energy Code do
2 not apply to log homes or manufactured housing as defined in chapter 951.'

3 Amend the bill in section 3 in §9725 by striking out all of the first paragraph (page 5,
4 lines 21 to 24 in L.D.) and inserting the following:

5 'The codes and standards listed in this section remain in force in their entirety unless
6 the board adopts and publishes a conflict resolution between the fire and safety codes and
7 standards and the Maine Uniform Building and Energy Code. Conflict resolutions
8 adopted pursuant to this chapter must also be incorporated into the fire and safety codes
9 and standards by the appropriate authorities.'

10 Amend the bill by striking out all of sections 4 and 5 and inserting the following:

11 **'Sec. 4. 25 MRSA §2351, as corrected by RR 1995, c. 2, §56, is amended to read:**

12 **§2351. Inspector of buildings; compensation; deputy**

13 In every town and city of more than 2,000 inhabitants, and in every town of 2,000
14 inhabitants or less, if such a town so votes at a town meeting, and in each village
15 corporation, if such a corporation so votes at the annual meeting thereof, the municipal
16 officers shall annually in the month of April appoint an inspector of buildings, who must
17 be a person ~~skilled in the construction of buildings certified in building standards~~
18 pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, and shall determine
19 the inspector's compensation. ~~The municipal officers shall define the limits within which~~
20 ~~the inspector of buildings has jurisdiction, which includes the thickly settled portion of~~
21 ~~each such city or of each village in each such city or town.~~ Whenever the inspector of
22 buildings becomes incapacitated, the municipal officers may appoint or authorize the
23 inspector of buildings to appoint a deputy inspector of buildings, who shall serve until
24 removed by the municipal officers, but in no event beyond the term for which the
25 inspector of buildings was appointed. The deputy inspector shall perform such duties as
26 may be required of the deputy inspector by the inspector. The compensation of the
27 deputy inspector is determined by the municipal officers.

28 **Sec. 5. 25 MRSA §2353 is amended to read:**

29 **§2353. Duty to inspect buildings under construction**

30 The inspector of buildings shall inspect each ~~new~~ building during the process of
31 construction; ~~for compliance with the Maine Uniform Building and Energy Code adopted~~
32 pursuant to Title 10, chapter 1103 and so far as may be necessary; to see that all proper
33 safeguards against the catching or spreading of fire are used, that the chimneys and flues
34 are made safe and that proper cutoffs are placed between the timbers in the walls and
35 floorings where fire would be likely to spread, and may give such directions in writing to
36 the owner or contractor; ~~as he deems the inspector considers necessary;~~ concerning the
37 construction of ~~such the~~ building so as to render the ~~same~~ building safe from the catching
38 and spreading of fire.'

39 Amend the bill by inserting after section 5 the following:

COMMITTEE AMENDMENT

R. 6.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

1 Sec. 6. 25 MRSA §2357, as amended by PL 1999, c. 725, §5, is further amended
2 to read:

3 **§2357. No occupancy without certificate; appeal**

4 Subject to the provisions of Title 10, chapter 951, a new building may not be
5 occupied until the inspector of buildings has given a certificate of occupancy for
6 compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title
7 10, chapter 1103, pursuant to the required inspections in section 2373 that the same
8 building has been built in accordance with section 2353, and so as to be safe from fire. If
9 the owner permits it to be so occupied without such certificate, the owner must be
10 penalized in accordance with Title 30-A, section 4452. In case the inspector of buildings
11 for any cause declines to give that certificate and the builder has in the builder's own
12 judgment complied with section 2353, an appeal may be taken to the municipal officers
13 and, if on such appeal it is decided by them that the section has been complied with, the
14 owner of the building is not liable to a fine for want of the certificate of the inspector.

15 Amend the bill by striking out all of section 7 and inserting the following:

16 Sec. 7. 25 MRSA c. 314 is enacted to read:

17 **CHAPTER 314**

18 **BUILDING CODES AND STANDARDS**

19 **§2371. Definitions**

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

22 **1. Board.** "Board" means the Technical Building Codes and Standards Board
23 established in Title 5, section 12004-G, subsection 5-A.

24 **2. Building official.** "Building official" means a building official appointed pursuant
25 to section 2351.

26 **3. Bureau.** "Bureau" means the Bureau of Building Codes and Standards
27 established in section 2372.

28 **4. Code.** "Code" means the Maine Uniform Building and Energy Code adopted
29 pursuant to Title 10, chapter 1103.

30 **5. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

31 **6. Third-party inspector.** "Third-party inspector" means a person certified by the
32 State to conduct inspections under Title 30-A, section 4451 for compliance with the code.
33 A 3rd-party inspector may not hold a pecuniary interest, directly or indirectly, in any
34 building for which the 3rd-party inspector issues an inspection report pursuant to section
35 2373 and may not be appointed as a building official.

COMMITTEE AMENDMENT

H. of S.

1 **§2372. Bureau of Building Codes and Standards**

2 **1. Established.** The Bureau of Building Codes and Standards is established within
3 the Department of Public Safety to provide administrative support and technical
4 assistance to the board in executing its duties pursuant to Title 10, section 9722,
5 subsection 6.

6 **2. Staff.** The commissioner may appoint or remove for cause staff of the bureau,
7 including:

8 **A.** A technical codes coordinator certified in building standards pursuant to Title
9 30-A, section 4451, subsection 2-A, paragraph E, who serves as the bureau director
10 and principal administrative and supervisory employee of the board. The technical
11 codes coordinator shall attend meetings of the board, keep records of the proceedings
12 of the board and direct and supervise the personnel employed to carry out the duties
13 of the board, including but not limited to providing technical support and public
14 outreach for the adoption of the code, amendments, conflict resolutions and
15 interpretations. Technical support and public outreach must include, but may not be
16 limited to:

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

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

22 **B.** An office specialist to provide administrative support to the bureau and the board.

23 **§2373. Municipal inspection options**

24 Beginning July 1, 2010, the code must be enforced in a municipality that has more
25 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 **1. Building officials.** Building officials and local code enforcement officers;

31 **2. Interlocal agreements.** Interlocal agreements with other municipalities that share
32 the use of building officials certified in building standards pursuant to Title 10, section
33 9723;

34 **3. Contractual agreements.** Contractual agreements with county or regional
35 authorities that share the use of building officials certified in building standards pursuant
36 to Title 10, section 9723; and

37 **4. Third-party inspectors.** Reports from 3rd-party inspectors certified pursuant to
38 Title 10, section 9723 submitted to the building official prior to obtaining a certificate of
39 occupancy in section 2357 that are obtained pursuant to independent contractual
40 arrangements between the building owner and 3rd-party inspector or the municipality and
41 3rd-party inspector.

H. 48

1 **§2374. Uniform Building Codes and Standards Fund**

2 The Uniform Building Codes and Standards Fund is established within the
3 Department of Public Safety to fund the activities of the bureau under this chapter and the
4 activities of the board under Title 10, chapter 1103 and the Executive Department, State
5 Planning Office under Title 30-A, section 4451, subsection 3-A. Revenue for this fund is
6 provided by the surcharge established by section 2450-A. Any balance of the fund may
7 not lapse, but must be carried forward as a continuing account to be expended for the
8 same purpose in the following fiscal year.'

9 Amend the bill in section 9 in §2450-A in the first paragraph in the 6th line (page 9,
10 line 17 in L.D.) by striking out the following: "and the activities of the Division" and
11 inserting the following: ', the activities of the Bureau'

12 Amend the bill in section 9 in §2450-A in the first paragraph in the 6th line (page 9,
13 line 17 in L.D.) by inserting after the following: "314" the following: 'and the activities
14 of the Executive Department, State Planning Office under Title 30-A, section 4451,
15 subsection 3-A'

16 Amend the bill in section 10 in subsection 5 in the first line (page 9, line 23 in L.D.)
17 by striking out the following: "January" and inserting the following: 'July'

18 Amend the bill by inserting after section 12 the following:

19 'Sec. 13. 30-A MRSA §4451, sub-§3-A is enacted to read:

20 **3-A. Training and certification of inspectors in the Maine Uniform Building and**
21 **Energy Code. In accordance with the training and certification requirements developed**
22 **pursuant to Title 10, section 9723, the office shall provide the training necessary to certify**
23 **municipal building officials, local code enforcement officers and 3rd-party inspectors.'**

24 Amend the bill by striking out all of section 16 and inserting the following:

25 'Sec. 16. Adoption of Maine Uniform Building and Energy Code. The
26 Technical Building Codes and Standards Board established by the Maine Revised
27 Statutes, Title 5, section 12004-G, subsection 5-A, referred to in this section as "the
28 board," shall adopt the Maine Uniform Building and Energy Code pursuant to Title 10,
29 section 9722 in accordance with this section.

30 1. The Maine Uniform Building and Energy Code adopted in accordance with Title
31 10, section 9722, subsection 6 must be composed of the substance of the following, with
32 administrative and other minor changes to customize the codes for Maine:

- 33 A. The 2009 edition of the International Building Code;
- 34 B. The 2009 edition of the International Existing Building Code;
- 35 C. The 2009 edition of the International Residential Code;
- 36 D. The 2009 edition of the International Energy Conservation Code;
- 37 E. The ASHRAE Standards 62.1, 62.2 and 90.1; and

H. of S.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

1 F. The Maine model radon standard for new residential construction set forth in Title
2 25, section 2466 and associated rules.

3 2. Existing state codes and standards, where applicable, must be referenced in
4 chapter one of the Maine Uniform Building and Energy Code.

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

7 A. Between January 1, 2010 and July 1, 2010, building construction and renovation
8 projects may utilize either the Maine Uniform Building and Energy Code or existing
9 building and energy codes adopted by any political subdivision of the State.

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

14 Amend the bill by inserting after section 17 the following:

15 **Sec. 18. Report from the Technical Building Codes and Standards**
16 **Board.** The Technical Building Codes and Standards Board, established pursuant to
17 Title 10, section 9722, shall provide by March 1, 2009 a report to the joint standing
18 committee of the Legislature having jurisdiction over business, research and economic
19 development matters regarding the criteria that will be used to develop rules to resolve
20 the conflicts between the Maine Uniform Building and Energy Code and the fire and life
21 safety codes in the Maine Revised Statutes, Title 25, sections 2452 and 2465, pursuant to
22 its authority under Title 10, section 9722, subsection 6, paragraph D. The joint standing
23 committee of the Legislature having jurisdiction over business, research and economic
24 development matters is authorized to submit legislation relating to this criteria to the
25 Second Regular Session of the 124th Legislature.

26 **Sec. 19. Maine Revised Statutes amended; revision clause.** Wherever in the
27 Maine Revised Statutes, Title 25, sections 2351, 2353, 2357 and 2361 the words
28 "inspector of buildings" appear, they are amended to read "building official" and
29 wherever in the Maine Revised Statutes the words "building inspector" appear, they are
30 amended to read "building official," and the Revisor of Statutes shall implement these
31 revisions when updating, publishing or republishing the statutes.

32 **Sec. 20. Appropriations and allocations.** The following appropriations and
33 allocations are made.

34 **PUBLIC SAFETY, DEPARTMENT OF**
35 **Bureau of Building Codes and Standards Z068**

36 Initiative: Provides an allocation for 2 new positions and related costs within the newly
37 created Bureau of Building Codes and Standards.

H. 46

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

1	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
2	POSITIONS - LEGISLATIVE COUNT	0.000	2.000
3	Personal Services	\$0	\$162,979
4	All Other	\$0	\$130,639
5			
6	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$293,618

7	PUBLIC SAFETY, DEPARTMENT OF		
8	DEPARTMENT TOTALS	2007-08	2008-09
9			
10	OTHER SPECIAL REVENUE FUNDS	\$0	\$293,618
11			
12	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$293,618

13 STATE PLANNING OFFICE

14 Planning Office 0082

15 Initiative: Allocates funds for one Planner II position and general operating expenses
16 beginning April 9, 2009 to carry out the purposes of this Act.

17	OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
18	POSITIONS - LEGISLATIVE COUNT	0.000	1.000
19	Personal Services	\$0	\$18,175
20	All Other	\$0	\$254
21			
22	OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$18,429

23 STATE PLANNING OFFICE

24	DEPARTMENT TOTALS	2007-08	2008-09
----	--------------------------	----------------	----------------

25			
26	OTHER SPECIAL REVENUE FUNDS	\$0	\$18,429
27			
28	DEPARTMENT TOTAL - ALL FUNDS	\$0	\$18,429

COMMITTEE AMENDMENT

P. 8.

COMMITTEE AMENDMENT "A" to H.P. 1619, L.D. 2257

- 1 B. Interlocal agreements with other municipalities that share the use of building
2 officials certified in building standards pursuant to Title 10, section 9723;
- 3 C. Contractual agreements with county or regional authorities that share the use of
4 building officials certified in building standards pursuant to Title 10, section 9723;
5 and
- 6 D. Reports from 3rd-party inspectors certified pursuant to Title 10, section 9723
7 submitted to the building official prior to obtaining a certificate of occupancy in Title
8 25, section 2357 that are obtained pursuant to independent contractual arrangements
9 between the building owner and 3rd-party inspector or the municipality and 3rd-party
10 inspector.
- 11 8. It replaces the term "inspector of buildings" with "building official."
- 12 9. It adds a definition for "3rd-party inspector" and requires the board to develop a
13 training program for municipal building officials, local code enforcement officers and
14 3rd-party inspectors.
- 15 10. It clarifies that the Executive Department, State Planning Office is responsible
16 for implementing the training and certification program established by the board.
- 17 11. It adds an appropriations and allocations section.

18 **FISCAL NOTE REQUIRED**
19 **(See attached)**

COMMITTEE AMENDMENT



123rd MAINE LEGISLATURE

LD 2257

LR 3523(02)

An Act To Establish a 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

State Mandate - Unfunded

	2007-08	2008-09	Projections 2009-10	Projections 2010-11
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$312,047	\$324,719	\$335,694
Revenue				
Other Special Revenue Funds	\$0	\$312,400	\$324,800	\$336,000
Transfers				
Other Special Revenue Funds	\$0	\$18,429	\$78,072	\$80,468

State Mandates

Required Activity

Requiring municipalities that have more than 2000 residents to enforce the Maine Uniform Building and Energy Code is a state mandate pursuant to the Maine Constitution.

Unit Affected

Municipality

Costs

Insignificant

Fiscal Detail and Notes

This bill establishes a new program, the Bureau of Building Codes and Standards, within the Department of Public Safety. The Bureau is charged with providing administrative support and technical assistance to the Technical Building Codes and Standards Board, which is established to adopt, amend and maintain the Maine Uniform Building and Energy Code. The Department of Public Safety will require an Other Special Revenue Funds allocation of \$293,618 for a Bureau Director and clerical position, technology and other related costs. A Planner II position within the State Planning Office is funded by the Bureau and the costs of that position, \$18,429 in fiscal year 2008-09, will be transferred to the Bureau. The allocation and the transfer of costs from the State Planning Office are funded by a surcharge on new construction, reconstruction, repairs, renovations and new use which will be deposited into a newly created fund, the Uniform Building Codes and Standards Fund. It is estimated that the surcharge will result in additional Other Special Revenue Funds of \$312,400 in fiscal year 2008-09.