

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)



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2257

H.P. 1619

House of Representatives, March 13, 2008

An Act To Establish a Uniform Building and Energy Code

Reported by Representative SMITH of Monmouth for the Joint Standing Committee on Business, Research and Economic Development pursuant to Resolve 2007, chapter 46.

Reference to the Committee on Business, Research and Economic Development suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 5 MRSA §12004-G, sub-§5-A** is enacted to read:

3 **5-A.**

4 <u>Building Codes</u>	<u>Technical</u>	<u>Expenses Only</u>	<u>10 MRSA c. 1103</u>
5 <u>and Standards</u>	<u>Building Codes</u>		
6	<u>and Standards</u>		
7	<u>Board</u>		

8 **Sec. 2. 10 MRSA §9707** is enacted to read:

9 **§9707. Repeal**

10 This chapter is repealed January 1, 2010.

11 **Sec. 3. 10 MRSA c. 1103** is enacted to read:

12 **CHAPTER 1103**

13 **MAINE UNIFORM BUILDING AND ENERGY CODE**

14 **§9721. Definitions**

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

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

19 **2. Maine Uniform Building and Energy Code.** "Maine Uniform Building and
20 Energy Code" means the uniform statewide building and energy code adopted by the
21 board pursuant to this chapter.

22 **§9722. Technical Building Codes and Standards Board**

23 **1. Establishment.** The Technical Building Codes and Standards Board, established
24 in Title 5, section 12004-G, subsection 5-A and located within the Department of Public
25 Safety, is established to adopt, amend and maintain the Maine Uniform Building and
26 Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code
27 and other building-related codes and to provide for training for municipal building
28 inspectors.

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

31 A. The State Fire Marshal or a designee;

1 B. A fire chief, recommended by the Maine Fire Chiefs' Association or its successor
2 organization;

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

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

9 E. A residential builder recommended by a statewide regional association of home
10 builders and remodelers;

11 F. A commercial builder recommended by a statewide association of general
12 contractors;

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

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

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

23 (1) An architect licensed in the State;

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

25 (3) A builder;

26 J. An energy efficiency representative, recommended by the director of the
27 Governor's Office of Energy Independence and Security, who is:

28 (1) An architect licensed in the State;

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

30 (3) A builder; and

31 K. A professional building access specialist experienced with state and federal
32 accessibility regulations, recommended by the Maine Human Rights Commission.

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

35 **3. Ex officio member; chair.** The Commissioner of Public Safety, or the
36 commissioner's designee, serves as a nonvoting ex officio member and as the chair of the
37 board. The chair is responsible for ensuring that the board maintains the purpose of its
38 charge when executing its assigned duties, that any adoption and amendment

1 requirements for the Maine Uniform Building and Energy Code are met and that training
2 and technical assistance is provided to municipal building inspectors.

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

7 **5. Meetings; quorum.** The board shall meet quarterly and at such other times as the
8 board determines necessary. Five voting members of the board constitute a quorum for
9 the transaction of business under this chapter.

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

12 A. Adopt rules necessary to carry out its duties. Rules adopted pursuant to this
13 chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

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

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

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

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

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

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

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

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

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

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

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

37 (c) Correct errors and omissions;

1 (4) Timelines governing the filing of amendments, which must require board
2 action within 90 days of filing; and

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

4 D. Identify and resolve conflicts between the Maine Uniform Building and Energy
5 Code and the codes and standards referenced in section 9725. The board shall
6 develop rules designed to resolve these conflicts, which must include:

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

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

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

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

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

25 G. Make historic preservation a policy priority in the adoption and amendment of the
26 Maine Uniform Building and Energy Code.

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

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

33 **§9723. Training and certification**

34 **1. Appoint committee; establish requirements.** The board shall appoint a 5-
35 member training and certification committee, referred to in this section as "the
36 committee," to establish the training and certification requirements for municipal building
37 inspectors.

38 **2. Training program.** The committee shall direct the training coordinator of the
39 Division of Building Codes and Standards, established in Title 25, section 2372, to
40 develop a training program for municipal building inspectors.

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

5 **§9724. Application**

6 **1. Limitations on home rule authority.** This chapter provides express limitations
7 on municipal home rule authority.

8 **2. Prior statewide codes and standards.** Effective January 1, 2010, the Maine
9 Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is
10 intended to be the successor to, the Model Energy Code established in Title 35-A, section
11 121 and the Maine model radon standard for new residential construction set forth in Title
12 25, section 2466.

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

16 **4. Exception.** This section does not prohibit the adoption or enforcement of an
17 ordinance of any political subdivision regarding a building code that conforms
18 substantially with any applicable provision of state law or that sets forth provisions for
19 local enforcement of building codes.

20 **§9725. Fire and building-related codes and standards remain**

21 The codes and standards listed in this section remain in force in their entirety unless
22 the board adopts and publishes a conflict resolution between them and the Maine
23 Uniform Building and Energy Code. Conflict resolutions adopted pursuant to this chapter
24 must also be incorporated into these codes by the appropriate authorities:

25 **1. Fire safety codes and standards.** Fire safety codes and standards adopted
26 pursuant to Title 25, sections 2452 and 2465;

27 **2. Electrical standards.** Electrical standards adopted pursuant to Title 32, section
28 1153-A;

29 **3. Plumbing code.** The plumbing code adopted pursuant to Title 32, section 3403-B;

30 **4. Oil and solid fuel burning equipment standards.** Oil and solid fuel burning
31 equipment standards adopted pursuant to Title 32, section 2353;

32 **5. Propane and natural gas equipment standards.** Propane and natural gas
33 equipment standards adopted pursuant to Title 32, section 14804;

34 **6. Boiler and pressure vessel standards.** Boiler and pressure vessel standards
35 adopted pursuant to Title 32, section 15104-A; and

1 7. Elevator standards. Elevator standards adopted pursuant to Title 32, section
2 15206.

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

4 **§2351. Inspector; compensation; deputy**

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

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

21 **§2353. Duty to inspect buildings under construction**

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

31 **Sec. 6. 25 MRSA §2361**, as enacted by PL 1985, c. 101, is amended to read:

32 **§2361. Proceedings by municipality**

33 **1. Municipal enforcement.** Duly appointed fire chiefs or their designees, municipal
34 building inspectors and code enforcement officers may bring a civil action in the name of
35 the municipality to enforce any of the state laws, duly ~~promulgated~~ adopted state rules or
36 local ordinances enacted pursuant to ~~chapters 313 to 324~~ this Part and Title 10, chapter
37 1103; and

38 **2. Notice.** In any proceeding brought by or against the State ~~which that~~ involves the
39 validity of a municipal ordinance, the municipality ~~shall~~ must be given notice of the

1 proceeding and ~~shall be~~ is entitled to be made a party to the proceeding and to be heard.
2 In any proceeding brought by or against the municipality ~~which that~~ involves the validity
3 of statute, ordinance or regulation, the Attorney General ~~shall must~~ be served and ~~shall be~~
4 made a party to the proceeding and ~~be is~~ entitled to be heard. This section ~~shall apply~~
5 applies to enforcement of statutes, rules or ordinances enacted pursuant to ~~chapters 313 to~~
6 321 this Part and Title 10, chapter 1103.

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

8 **CHAPTER 314**

9 **BUILDING CODES AND STANDARDS**

10 **§2371. Definitions**

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

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

15 **2. Code.** "Code" means the Maine Uniform Building and Energy Code adopted
16 pursuant to Title 10, chapter 1103.

17 **3. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

18 **4. Inspector of buildings.** "Inspector of buildings" means an inspector of buildings
19 appointed pursuant to section 2351.

20 **§2372. Division of Building Codes and Standards**

21 **1. Established.** The Division of Building Codes and Standards is established within
22 the Department of Public Safety, Office of the State Fire Marshal to provide
23 administrative support and technical assistance to the board in executing its duties
24 pursuant to Title 10, section 9722, subsection 6.

25 **2. Staff.** The commissioner may appoint or remove for cause staff of the Division of
26 Building Codes and Standards established under subsection 1, including:

27 **A.** A technical codes coordinator who serves as the principal administrative and
28 supervisory employee of the board. The technical codes coordinator shall attend
29 meetings of the board, keep records of the proceedings of the board and direct and
30 supervise the personnel employed to carry out the duties of the board, including but
31 not limited to providing technical support and public outreach for the adoption of the
32 code, amendments, conflict resolutions and interpretations. Technical support and
33 public outreach must include, but may not be limited to:

34 **(1) Providing interpretation of the code for professionals and the general public;**
35 **and**

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

4 B. A training coordinator, whose duties include the establishment of a program,
5 through cooperative agreements with national, regional and state organizations, to
6 provide the building inspector training required by the training and certification
7 committee appointed by the board pursuant to Title 10, section 9723; and

8 C. An office specialist to provide administrative support to the technical codes
9 coordinator, the training coordinator and the board.

10 **§2373. Enforcement**

11 1. Code enforcement. A municipality that is required to have an inspector of
12 buildings pursuant to chapter 313 shall enforce the code. Enforcement may be provided
13 through interlocal agreements with other municipalities or by contractual agreements
14 between municipal, county or regional authorities. Contracts with 3rd-party-certified
15 inspectors may be used in place of local code enforcement officers to enforce this
16 chapter.

17 2. Building inspectors. An inspector of buildings shall review applications, review
18 construction documents and issue permits for the erection, alteration, demolition and
19 moving of buildings and structures, inspect the premises for which such permits have
20 been issued, enforce compliance with the code and issue certificates of occupancy.

21 3. Reports of inspections. An inspector of buildings may accept reports of
22 inspection by agencies or individuals approved by the board. Reports of such inspections
23 must be in writing and be certified by a responsible officer of an approved agency or by
24 the responsible individual. The inspector of buildings is authorized to engage such expert
25 opinion as necessary to report upon unusual technical issues that arise.

26 4. Fees. A municipality that is required to have an inspector of buildings pursuant to
27 chapter 313 shall establish a schedule of building inspection permit fees sufficient to
28 cover the cost of employing an inspector of buildings.

29 **§2374. Uniform Building Codes and Standards Fund**

30 The Uniform Building Codes and Standards Fund is established within the
31 Department of Public Safety to fund the activities of the Division of Building Codes and
32 Standards under this chapter and the activities of the board under Title 10, chapter 1103.
33 Revenue for this fund is provided by the surcharge established by section 2450-A.

34 Sec. 8. 25 MRSA §2450, as amended by PL 2003, c. 358, §1, is further amended
35 to read:

36 **§2450. Examinations by Department of Public Safety**

37 The Commissioner of Public Safety shall adopt, in accordance with requirements of
38 the Maine Administrative Procedure Act, a schedule of fees for the examination of all
39 plans for construction, reconstruction or repairs submitted to the Department of Public

1 Safety. The fee schedule for new construction or new use is 5¢ per square foot for
2 occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for
3 review of a plan for new construction by a public school may not exceed \$450. The fee
4 schedule for reconstruction, repairs or renovations is based on the cost of the project and
5 may not exceed \$450, except as provided in section 2450-A. The fees must be credited to
6 a special revenue account to defray expenses in carrying out this section. Any balance of
7 the fees may not lapse, but must be carried forward as a continuing account to be
8 expended for the same purpose in the following fiscal years.

9 **Sec. 9. 25 MRSA §2450-A** is enacted to read:

10 **§2450-A. Surcharge on plan review fee for Uniform Building Codes and Standards**
11 **Fund**

12 In addition to the fees established in section 2450, a surcharge of 4¢ per square foot
13 of occupied space must be levied on the existing fee schedule for new construction,
14 reconstruction, repairs, renovations or new use for the sole purpose of funding the
15 activities of the Technical Building Codes and Standards Board with respect to the Maine
16 Uniform Building and Energy Code, established pursuant to the Title 10, chapter 1103
17 and the activities of the Division of Building Codes and Standards under chapter 314,
18 except that the fee for review of a plan for the renovation of a public school, including the
19 fee established under section 2450, may not exceed \$450. Revenue collected from this
20 surcharge must be deposited into the Uniform Building Codes and Standards Fund
21 established by section 2374.

22 **Sec. 10. 25 MRSA §2466, sub-§5** is enacted to read:

23 **5. Repeal.** This section is repealed January 1, 2010.

24 **Sec. 11. 30-A MRSA §4451, sub-§2-A, ¶E,** as enacted by PL 1991, c. 163, is
25 amended to read:

26 E. Building standards under chapter 141; chapter 185, subchapter 1; beginning
27 January 1, 2010, Title 10, chapter 1103; and Title 25, chapters 313 and 331.

28 **Sec. 12. 30-A MRSA §4451, sub-§3,** as amended by PL 1997, c. 296, §7 and PL
29 2003, c. 20, Pt. OO, §2 and affected by §4 and amended by c. 689, Pt. B, §6, is further
30 amended to read:

31 **3. Training and certification of code enforcement officers.** In cooperation with
32 the Maine Community College System, the Department of Environmental Protection and,
33 the Department of Health and Human Services and the Department of Public Safety, the
34 office shall establish a continuing education program for individuals engaged in code
35 enforcement. This program must provide basic and advanced training in the technical
36 and legal aspects of code enforcement necessary for certification.

37 **Sec. 13. 30-A MRSA §4452, sub-§5,** as amended by PL 2007, c. 112, §§4 to 6,
38 is further amended to read:

- 1 **5. Application.** This section applies to the enforcement of land use laws and
2 ordinances or rules ~~which~~ that are administered and enforced primarily at the local level,
3 including:
- 4 A. The plumbing and subsurface waste water disposal rules adopted by the
5 Department of Health and Human Services under Title 22, section 42, including the
6 land area of the State ~~which~~ that is subject to the jurisdiction of the Maine Land Use
7 Regulation Commission;
- 8 B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and
9 2648;
- 10 C. Local ordinances adopted pursuant to Title 22, section 2642;
- 11 D. Laws administered by local health officers pursuant to Title 22, chapters 153 and
12 263;
- 13 E. Laws pertaining to fire prevention and protection, which require enforcement by
14 local officers pursuant to Title 25, chapter 313;
- 15 F. Laws pertaining to the construction of public buildings for the physically
16 disabled pursuant to Title 25, chapter 331;
- 17 G. Local land use ordinances adopted pursuant to section 3001;
- 18 ~~H. Local building codes adopted pursuant to sections 3001 and 3007;~~
- 19 ~~I. Local housing codes adopted pursuant to sections 3001 and 3007;~~
- 20 J. Laws pertaining to junkyards, automobile graveyards and automobile recycling
21 businesses and local ordinances regarding junkyards, automobile graveyards and
22 automobile recycling businesses, pursuant to chapter 183, subchapter 1 and Title 38,
23 section 1665-A, subsection 3-;
- 24 K. Local ordinances regarding electrical installations pursuant to chapter 185,
25 subchapter ~~H~~ 2;
- 26 L. Local ordinances regarding regulation and inspection of plumbing pursuant to
27 chapter 185, subchapter ~~H~~ 3;
- 28 M. Local ordinances regarding malfunctioning subsurface waste water disposal
29 systems pursuant to section 3428;
- 30 N. The subdivision law and local subdivision ordinances adopted pursuant to
31 section 3001 and subdivision regulations adopted pursuant to section 4403;
- 32 O. Local zoning ordinances adopted pursuant to section 3001 and in accordance
33 with section 4352;
- 34 P. Wastewater discharge licenses issued pursuant to Title 38, section 353-B;
- 35 Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447,
36 including those that were state-imposed;
- 37 R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor
38 ordinances adopted in accordance with Title 38, section 7 and regulations adopted by
39 municipal officers pursuant to Title 38, section 2;

1 S. Local ordinances and ordinance provisions regarding storm water, including, but
2 not limited to, ordinances and ordinance provisions regulating nonstorm water
3 discharges, construction site runoff and postconstruction storm water management,
4 enacted as required by the federal Clean Water Act and federal regulations and by
5 state permits and rules; and

6 T. Laws pertaining to limitations on construction and excavation near burial sites and
7 established cemeteries in Title 13, section 1371-A and local ordinances and
8 regulations adopted by municipalities in accordance with this section and section
9 3001 regarding those limitations; and

10 U. The Maine Uniform Building and Energy Code, adopted pursuant to Title 10,
11 chapter 1103.

12 **Sec. 14. 35-A MRSA §121, sub-§3** is enacted to read:

13 **3. Repeal.** This section is repealed January 1, 2010.

14 **Sec. 15. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 10,
15 section 9722, subsection 4, initial appointments made to the Technical Building Codes
16 and Standards Board are as set out in this section.

17 1. The appointments made under Title 10, section 9722, subsection 2, paragraphs B,
18 E, H and K are for a term of 2 years.

19 2. The appointments made under Title 10, section 9722, subsection 2, paragraphs C,
20 F and I are for a term of 3 years.

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

26 1. The Maine Uniform Building and Energy Code adopted in accordance with Title
27 10, section 9722, subsection 6 must be composed of the substance of the following, with
28 administrative and other minor changes to customize the codes for Maine:

29 A. The 2009 version of the International Building Code;

30 B. The 2009 version of the International Existing Building Code;

31 C. The 2009 version of the International Residential Code;

32 D. The 2009 version of the International Energy Conservation Code;

33 E. The model building energy code adopted pursuant to Title 35-A, section 121 and
34 set forth in Title 10, sections 1415-C and 1415-D and associated rules; and

35 F. The Maine model radon standard for new residential construction set forth in Title
36 25, section 2466 and associated rules.

1 building inspectors and an office specialist to provide administrative support for the board
2 and division staff.

3 Enforcement of the code will be carried out by local building inspectors in
4 municipalities of more than 2,000 residents, and these municipalities are considered the
5 authority having jurisdiction over matters of local code enforcement. Enforcement of the
6 code in municipalities with fewer than 2,000 residents is optional.

7 Funding for the board, the division and training expenses for building inspectors will
8 be provided from a surcharge on fire and life safety code plan review fees through the
9 Office of State Fire Marshal and standards plan reviews for commercial and public
10 buildings. All funding is to be deposited into a Department of Public Safety dedicated
11 revenue fund called the Uniform Building Codes and Standards Fund.