

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 997

H.P. 685

House of Representatives, March 12, 2009

An Act To Clarify the Limits of the Maine Uniform Building and Energy Code

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative HINCK of Portland.
Cosponsored by Senator BARTLETT of Cumberland and
Representatives: BERRY of Bowdoinham, FLETCHER of Winslow, MacDONALD of
Boothbay, RICHARDSON of Warren, TREAT of Hallowell, WATSON of Bath, Senators:
PERRY of Penobscot, SIMPSON of Androscoggin.

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

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

4 J. In the adoption and amendment of the Maine Uniform Building and Energy Code,
5 ensure that nontraditional or experimental construction, including but not limited to
6 straw bale and earth berm construction, is permissible under the code; ~~and~~

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

9 K. In the adoption and amendment of the Maine Uniform Building and Energy Code,
10 ensure that building materials from local sawmills, including but not limited to
11 nongraded lumber, are permissible under the code; ~~and~~

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

13 L. No later than July 1, 2010, adopt, amend and maintain an appendix to the Maine
14 Uniform Building and Energy Code that contains energy conservation and efficiency
15 requirements that are based on established national voluntary efficiency standards
16 that exceed the energy code requirements established in the Maine Uniform Building
17 and Energy Code. The appendix must be made available for voluntary adoption by
18 any municipality. The board must maintain a list of municipalities that have
19 voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on
20 its publicly accessible website.

21 **Sec. 4. 10 MRSA §9724, sub-§1,** as enacted by PL 2007, c. 699, §6, is amended
22 to read:

23 **1. Limitations on home rule authority.** This chapter provides express limitations
24 on municipal home rule authority. Beginning July 1, 2010, the Maine Uniform Building
25 and Energy Code must be enforced in a municipality that has more than 2,000 residents
26 and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the
27 Maine Uniform Building and Energy Code must be enforced in a municipality that has
28 more than 2,000 residents and that has not adopted any building code by August 1, 2008.
29 The Maine Uniform Building and Energy Code must be enforced through inspections that
30 comply with Title 25, section 2373. Notwithstanding this section, a municipality may
31 adopt and enforce an appendix to the Maine Uniform Building and Energy Code pursuant
32 to section 9722, subsection 6, paragraph L that contains energy standards that exceed the
33 energy conservation and efficiency requirements established by the board.

34 **SUMMARY**

35 This bill amends the laws governing the Maine Uniform Building and Energy Code
36 to allow a municipality to voluntarily adopt and enforce an appendix to the code, the so-
37 called "stretch energy code," that contains energy standards that exceed the energy
38 conservation and efficiency requirements established by the code. This bill requires the
39 Technical Building Codes and Standards Board within the Department of Public Safety to

1 adopt, amend and maintain no later than July 1, 2010 an appendix to the code that
2 contains energy conservation and efficiency requirements based on established national
3 voluntary efficiency standards that exceed the energy requirements of the code. The bill
4 provides that the appendix must be made available for voluntary adoption by any
5 municipality interested in adopting standards and that the board must maintain a list of
6 municipalities that have voluntarily adopted the appendix to the code on the board's
7 publicly accessible website.