

MAINE STATE LEGISLATURE

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Date: 6/6/11

L.D. 1416

(Filing No. H-553)

Majority

STATE AND LOCAL GOVERNMENT

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

STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1042, L.D. 1416, Bill, "An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code"

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

Sec. 1. 10 MRSA §9721, sub-§§3 and 4 are enacted to read:

3. Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

4. Maine Uniform Energy Code. "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph L.

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

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~~

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~~

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

L. Adopt, amend and maintain the Maine Uniform Building Code and the Maine Uniform Energy Code.

COMMITTEE AMENDMENT

1 **Sec. 4. 10 MRSA §9724, sub-§1,** as amended by PL 2009, c. 261, Pt. A, §7, is
2 further amended to read:

3 **1. Limitations on home rule authority.** This chapter provides express limitations
4 on municipal home rule authority. ~~Beginning December 1, 2010, the~~ The Maine Uniform
5 Building and Energy Code must be enforced in a municipality that has more than ~~2,000~~
6 4,000 residents and that has adopted any building code by August 1, 2008. Beginning
7 July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a
8 municipality that has more than ~~2,000~~ 4,000 residents and that has not adopted any
9 building code by August 1, 2008. The Maine Uniform Building and Energy Code must
10 be enforced through inspections that comply with Title 25, section 2373.

11 **Sec. 5. 10 MRSA §9724, sub-§1-A** is enacted to read:

12 **1-A. Municipalities up to 4,000 residents.** A municipality of up to 4,000 residents
13 may not adopt or enforce a building code other than the Maine Uniform Building Code,
14 the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.
15 Notwithstanding any other provision of this chapter or Title 25, chapter 314, the
16 provisions of the Maine Uniform Building Code, the Maine Uniform Energy Code or the
17 Maine Uniform Building and Energy Code do not apply in a municipality that has 4,000
18 or fewer residents except to the extent the municipality has adopted that code pursuant to
19 this subsection.

20 **Sec. 6. 25 MRSA §2373, first ¶,** as amended by PL 2009, c. 261, Pt. A, §12, is
21 further amended to read:

22 ~~Beginning December 1, 2010, the~~ The code must be enforced in a municipality that
23 has more than ~~2,000~~ 4,000 residents and that has adopted any building code by August 1,
24 2008. Beginning July 1, 2012, the code must be enforced in a municipality that has more
25 than ~~2,000~~ 4,000 residents and that has not adopted any building code by August 1, 2008.
26 The code must be enforced through inspections that comply with the code through any of
27 the following means:

28 **SUMMARY**

29 This amendment, which is the majority report of the committee, replaces the bill. It
30 changes the threshold for municipalities that must adopt the Maine Uniform Building and
31 Energy Code from municipalities with more than 2,000 residents to municipalities with
32 more than 4,000 residents. It requires the Technical Building Codes and Standards Board
33 to adopt, amend and maintain an individual uniform statewide building code and a
34 uniform statewide energy code that municipalities up to 4,000 residents may choose to
35 adopt. If a municipality with up to 4,000 residents chooses to adopt a building code or an
36 energy code it must adopt the statewide version adopted by the Technical Building Codes
37 and Standards Board, or it may adopt the entire Maine Uniform Building and Energy
38 Code. A municipality with up to 4,000 residents may choose to have no code.