

MAINE STATE LEGISLATURE

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L.D. 1619

Date: **3-27-12**

(Filing No. S-**486**)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "**A**" to S.P. 529, L.D. 1619, Bill, "An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code"

Amend the bill by inserting before section 1 the following:

Sec. 1. 10 MRSA §9724, sub-§5, as enacted by PL 2011, c. 365, §6, is amended to read:

5. Exception. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth provisions for local enforcement of building codes. If such an ordinance does not provide for a process to appeal decisions made by building officials administering and enforcing the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, an appeal may be taken in the same manner as provided under Title 30-A, section 4103, subsection 5. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth the swimming pool fencing standards, without amendment, contained in Appendix G of the 2nd edition of the 2009 International Residential Code.

A. The requirements of the Maine Uniform Building and Energy Code do not apply to:

- (1) Log homes or manufactured housing as defined in chapter 951;
- (2) Post and beam or timber frame construction; or
- (3) Warehouses or silos used to store harvested crops.

B. The requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages.

For the purposes of this paragraph, "seasonally restricted cottage" means a residential building unit made up of a room or group of rooms that provide sleeping accommodations, as well as accommodations for bathing and cooking, for not more

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1 than the entire summer season and that do not have water service after the summer
2 season. This paragraph is repealed June 15, 2012.'

3 Amend the bill by inserting after section 3 the following:

4 'Sec. 4. 25 MRSA §2356, as amended by PL 2009, c. 261, Pt. B, §6, is further
5 amended to read:

6 **§2356. Appeals**

7 ~~An~~ Unless an alternative appeal process has been established by ordinance pursuant
8 to Title 10, section 9724, subsection 5, an appeal in writing may be taken from any order
9 or direction of the building official to the municipal officers, whose order thereon is final.'

10 Amend the bill in section 4 in §2357-A in the first paragraph in the 3rd line from the
11 end (page 2, line 24 in L.D.) by striking out the following: "and, if" and inserting the
12 following: 'and, if or through an alternative appeal process that has been established by
13 ordinance pursuant to Title 10, section 9724, subsection 5. If'

14 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
15 section number to read consecutively.

16 **SUMMARY**

17 This amendment establishes the right to appeal decisions made by building officials
18 to the municipal officers or to a municipality's board of appeals, if a local ordinance does
19 not provide for an appeal process. It also clarifies that an appeal from a decision of a
20 building official with respect to the issuance of an occupancy permit may be taken
21 pursuant to an alternative appeal process established by ordinance or by an appeal to
22 municipal officers or to a municipality's board of appeals.