

MAINE STATE LEGISLATURE

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L.D. 977

Date: 6/18/13

Report A

(Filing No. H-555)

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 691, L.D. 977, Bill, "An Act To Restore Uniformity to the Maine Uniform Building and Energy Code"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 10 MRSA §9721, sub-§§3 and 4, as corrected by RR 2011, c. 1, §9, are repealed.

Sec. 2. 10 MRSA §9722, sub-§6, ¶K, as corrected by RR 2011, c. 1, §10, is amended to read:

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, as corrected by RR 2011, c. 1, §11, is amended to read:

L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council; ~~and~~.

Sec. 4. 10 MRSA §9722, sub-§6, ¶M, as reallocated by RR 2011, c. 1, §12, is repealed.'

Amend the bill by striking out all of section 2 (page 1, lines 14 to 23 in L.D.) and inserting the following:

Sec. 2. 10 MRSA §9724, sub-§1-A, as enacted by PL 2011, c. 408, §5, is repealed.

Sec. 3. 10 MRSA §9724, sub-§1-B, as enacted by PL 2011, c. 505, §1, is amended to read:

COMMITTEE AMENDMENT

1 **1-B. Residents.** For the purposes of ~~subsections~~ subsection 1 and 1-A, "residents"
2 does not include persons held at a correctional facility, as defined in Title 34-A, section
3 1001, subsection 6, within the municipality.

4 **Sec. 4. 10 MRSA §9724, sub-§1-C** is enacted to read:

5 **1-C. Application.** The Maine Uniform Building and Energy Code applies statewide.
6 A municipality, regardless of size, may not adopt or enforce a building code other than
7 the Maine Uniform Building and Energy Code.

8 **Sec. 5. 10 MRSA §9724, sub-§5**, as amended by PL 2011, c. 582, §1, is further
9 amended to read:

10 **5. Exception.** This section does not prohibit the adoption or enforcement of an
11 ordinance of any political subdivision that sets forth provisions for local enforcement of
12 building codes. If such an ordinance does not provide for a process to appeal decisions
13 made by building officials administering and enforcing ~~the Maine Uniform Building~~
14 ~~Code, the Maine Uniform Energy Code~~ or the Maine Uniform Building and Energy
15 Code, an appeal may be taken in the same manner as provided under Title 30-A, section
16 4103, subsection 5. This section does not prohibit the adoption or enforcement of an
17 ordinance of any political subdivision that sets forth the swimming pool fencing
18 standards, without amendment, contained in Appendix G of the 2nd edition of the 2009
19 International Residential Code.

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

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

25 **Sec. 6. 10 MRSA §9724, sub-§6**, as enacted by PL 2011, c. 582, §2, is amended
26 to read:

27 **6. Adoption by reference.** ~~The Maine Uniform Building Code, the Maine Uniform~~
28 ~~Energy Code and the~~ Maine Uniform Building and Energy Code may be adopted by
29 reference by a municipality as specified in Title 30-A, section 3003.'

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

32 **SUMMARY**

33 This amendment is the majority report of the committee. This amendment provides
34 that the Maine Uniform Building and Energy Code applies statewide and is the only
35 building code that may be adopted or enforced in this State. As in the bill, a municipality
36 of 2,000 or fewer residents is exempt from adopting or enforcing the Maine Uniform
37 Building and Energy Code, but if such a municipality adopts a building code, it must be

COMMITTEE AMENDMENT "A" to H.P. 691, L.D. 977

1 the Maine Uniform Building and Energy Code. This amendment repeals the current law
2 that defines a separate uniform building code and uniform energy code and removes
3 references to those separate codes.

4

FISCAL NOTE REQUIRED

5

(See attached)

COMMITTEE AMENDMENT



126th MAINE LEGISLATURE

LD 977

LR 1593(02)

An Act To Restore Uniformity to the Maine Uniform Building and Energy Code

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-555)
 Committee: Labor, Commerce, Research and Economic Development
 Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Municipalities with more than 2000 residents will be required to enforce the Maine Uniform Building and Energy Code. The current threshold is 4000.	Municipality	Insignificant limited scope

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.