

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1041

S.P. 355

In Senate, March 14, 2013

**An Act To Modify the Mandatory Enforcement of the Maine
Uniform Building and Energy Code for a Municipality without a
Building Code**

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.
Cosponsored by Representatives: BLACK of Wilton, HARVELL of Farmington.

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

2 **Sec. 1. 10 MRSA §9724, sub-§1**, as amended by PL 2011, c. 408, §4, is further
3 amended to read:

4 **1. Limitations on home rule authority.** This chapter provides express limitations
5 on municipal home rule authority. The Maine Uniform Building and Energy Code must
6 be enforced in a municipality that has more than 4,000 residents and that has adopted any
7 building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building
8 and Energy Code must be enforced in a municipality that has more than 4,000 residents
9 and that has not adopted any building code by August 1, 2008 unless the voters in that
10 municipality have expressly voted to reject the application or enforcement of the Maine
11 Uniform Building and Energy Code, in which case subsection 1-A applies. The Maine
12 Uniform Building and Energy Code must be enforced through inspections that comply
13 with Title 25, section 2373.

14 **Sec. 2. 10 MRSA §9724, sub-§1-A**, as enacted by PL 2011, c. 408, §5, is
15 repealed and the following enacted in its place:

16 **1-A. Municipalities where code is not enforceable.** Notwithstanding any other
17 provision of this chapter or Title 25, chapter 314, the provisions of the Maine Uniform
18 Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and
19 Energy Code do not apply in a municipality:

20 A. That has 4,000 or fewer residents except to the extent the municipality has
21 adopted that code; or

22 B. Of more than 4,000 residents that has not adopted any building code by August 1,
23 2008 and that, by a vote of its residents, has expressly voted to reject the application
24 or enforcement of that code.

25 A municipality described in paragraph A or B may not adopt or enforce a building code
26 other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the
27 Maine Uniform Building and Energy Code.

28 **Sec. 3. Retroactivity.** This Act applies retroactively to July 1, 2012.

29 **SUMMARY**

30 This bill allows a municipality of more than 4,000 residents that has not adopted a
31 building code by August 1, 2008 and that, by a vote of the residents of that municipality,
32 has expressly rejected the application or enforcement of the Maine Uniform Building and
33 Energy Code to be exempt from the Maine Uniform Building and Energy Code. If that
34 municipality does adopt a building code, however, it must be the Maine Uniform
35 Building and Energy Code.