

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1093

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H.P. 754

House of Representatives, March 25, 2015

**An Act Regarding the Municipalities to Which the Maine Uniform  
Building and Energy Code Applies**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative HIGGINS of Dover-Foxcroft.  
Cosponsored by Senator DAVIS of Piscataquis and  
Representatives: HEAD of Bethel, HERRICK of Paris, HILLIARD of Belgrade, LYFORD of  
Eddington, O'CONNOR of Berwick, PICKETT of Dixfield, PIERCE of Dresden, WALLACE  
of Dexter.

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. The Maine Uniform~~  
10 ~~Building and Energy Code must be enforced through inspections that comply with Title~~  
11 ~~25, section 2373.~~

12 **Sec. 2. 10 MRSA §9724, sub-§1-A**, as enacted by PL 2011, c. 408, §5, is  
13 amended to read:

14 **1-A. Municipalities up to 5,000 residents.** A municipality of up to ~~4,000~~ 5,000  
15 residents may not adopt or enforce a building code other than the Maine Uniform  
16 Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and  
17 Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter  
18 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy  
19 Code or the Maine Uniform Building and Energy Code do not apply in a municipality  
20 that has ~~4,000~~ 5,000 or fewer residents except to the extent the municipality has adopted  
21 that code pursuant to this subsection.

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

24 **1-B. Residents.** For the purposes of subsections ~~1 and~~ 1-A and 1-C, "residents" does  
25 not include persons held at a correctional facility, as defined in Title 34-A, section 1001,  
26 subsection 6, within the municipality.

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

28 **1-C. Municipalities of more than 5,000 residents.** The Maine Uniform Building  
29 and Energy Code must be enforced in a municipality that has more than 5,000 residents.  
30 The Maine Uniform Building and Energy Code must be enforced through inspections that  
31 comply with Title 25, section 2373.

32 **Sec. 5. 25 MRSA §2373, first ¶**, as amended by PL 2011, c. 408, §6, is further  
33 amended to read:

34 The code must be enforced in a municipality that has more than ~~4,000~~ 5,000 residents  
35 ~~and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the~~  
36 ~~code must be enforced in a municipality that has more than 4,000 residents and that has~~  
37 ~~not adopted any building code by August 1, 2008.~~ The code must be enforced through  
38 inspections that comply with the code through any of the following means:

1 **SUMMARY**

2 Under current law, all municipalities of more than 4,000 residents must enforce the  
3 Maine Uniform Building and Energy Code. Municipalities with 4,000 or fewer residents  
4 are not required to adopt or enforce the Maine Uniform Building and Energy Code, but if  
5 such a municipality adopts or enforces a building code, it must be the Maine Uniform  
6 Building and Energy Code.

7 This bill increases the minimum threshold after which a municipality is required to  
8 enforce the Maine Uniform Building and Energy Code to more than 5,000 residents.