

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 1191

S.P. 418

In Senate, April 1, 2015

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### **An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code**

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

A handwritten signature in cursive script, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Secretary of the Senate

Presented by President THIBODEAU of Waldo.

Cosponsored by Senators: CUSHING of Penobscot, DAVIS of Piscataquis, VOLK of  
Cumberland, Representatives: TURNER of Burlington, WARD of Dedham.

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-B**, as enacted by PL 2011, c. 505, §1, is  
13 amended to read:

14 **1-B. Residents.** For the purposes of subsections ~~1~~ and 1-A and 1-C, "residents" does  
15 not include persons held at a correctional facility, as defined in Title 34-A, section 1001,  
16 subsection 6, within the municipality.

17 **Sec. 3. 10 MRSA §9724, sub-§1-C** is enacted to read:

18 **1-C. Municipalities of more than 4,000 residents.** A municipality of more than  
19 4,000 residents may not adopt or enforce a building code other than the Maine Uniform  
20 Building and Energy Code. Notwithstanding any other provision of this chapter or Title  
21 25, chapter 314, the provisions of the Maine Uniform Building Code, the Maine Uniform  
22 Energy Code or the Maine Uniform Building and Energy Code do not apply in a  
23 municipality that has more than 4,000 residents except to the extent the municipality has  
24 adopted the Maine Uniform Building and Energy Code pursuant to this subsection. The  
25 Maine Uniform Building and Energy Code must be enforced through inspections that  
26 comply with Title 25, section 2373.

27 **Sec. 4. 25 MRSA §2373, first ¶**, as amended by PL 2011, c. 408, §6, is further  
28 amended to read:

29 The code must be enforced in a municipality that has more than 4,000 residents and  
30 that has adopted ~~any building~~ the ~~code by August 1, 2008. Beginning July 1, 2012, the~~  
31 ~~code must be enforced in a municipality that has more than 4,000 residents and that has~~  
32 ~~not adopted any building code by August 1, 2008.~~ The code must be enforced through  
33 inspections that comply with the code through any of the following means:

34 **SUMMARY**

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

1 Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and  
2 Energy Code.

3 This bill allows, but does not require, a municipality of more than 4,000 residents to  
4 adopt and enforce a building code, but it restricts the code that may be adopted or  
5 enforced by that municipality to the Maine Uniform Building and Energy Code.