

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

upon a state insurance regulator with respect to the American Health Benefit Exchange and the SHOP Exchange by the federal Affordable Care Act. The superintendent may enter into agreements with the American Health Benefit Exchange and the SHOP Exchange relating to coordination of responsibilities, and such agreements may provide for the superintendent to assume additional authority relating to the certification of qualified health plans or the authorization of a carrier to participate in the American Health Benefit Exchange or the SHOP Exchange.

§4320-G. Applicability to health plans grandfathered under the Affordable Care Act

A health plan that is exempt from certain requirements of the federal Affordable Care Act because it has grandfathered status is also exempt, to the same extent, from substantially similar provisions in this Title and Title 24 enacted after January 1, 2011, except to the extent that those provisions state that they apply to grandfathered health plans.

Sec. 35. 24-A MRSA §6451-A, sub-§3-A is enacted to read:

3-A. Qualified nonprofit health insurance issuers. Qualified nonprofit health insurance issuers as defined in Section 1322 of the federal Affordable Care Act are considered health organizations for purposes of this chapter.

Sec. 36. Review of transitional reinsurance, risk corridors and risk adjustment programs. No later than January 1, 2013, the Department of Professional and Financial Regulation, Bureau of Insurance shall submit the bureau's proposed transitional reinsurance program and risk adjustment program established pursuant to the Maine Revised Statutes, Title 24-A, section 4320-E and any information related to the risk corridors program established pursuant to Section 1342 of the federal Affordable Care Act for review by the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters. The joint standing committee may report out a bill to the First Regular Session of the 126th Legislature based on the bureau's proposed transitional reinsurance program or risk adjustment program.

See title page for effective date.

CHAPTER 365

S.P. 374 - L.D. 1253

**An Act To Amend the Laws
Governing the Enforcement of
Statewide Uniform Building
Codes**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, immediate clarification and adjustments in the Maine Uniform Building and Energy Code are necessary to ensure that Maine's consumers, builders, contractors and lending community are able to build and sell high-quality buildings in the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §9722, sub-§6, ¶J, as enacted by PL 2007, c. 699, §6, is amended to read:

J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code; ~~and~~

Sec. 2. 10 MRSA §9722, sub-§6, ¶K, as enacted by PL 2007, c. 699, §6, 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 is enacted 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.

Sec. 4. 10 MRSA §9724, sub-§3, as amended by PL 2009, c. 261, Pt. A, §9, is further amended to read:

3. Ordinances. Effective December 1, 2010, except as provided in subsection ~~4~~ 5 and section 9725, any ordinance regarding a building code of any political subdivision of the State that is inconsistent with the Maine Uniform Building and Energy Code is void.

Sec. 5. 10 MRSA §9724, sub-§4, as enacted by PL 2007, c. 699, §6, is repealed.

Sec. 6. 10 MRSA §9724, sub-§5 is enacted 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. 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 than the entire summer season and that do not have water service after the summer season. This paragraph is repealed June 15, 2012.

Sec. 7. 25 MRSA §2357-A, first ¶, as amended by PL 2011, c. 94, §1, is further amended to read:

Subject to the provisions of Title 10, chapter 951, a building in a municipality of more than 2,000 inhabitants may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, pursuant to and in accordance with the required inspections enforcement and inspection options provided in section 2373 that the building has been built in accordance with section 2353-A, and so as to be safe from fire. The building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken to the municipal officers pursuant to Title 30-A, sec-

tion 4103, subsection 5 and, if on such appeal it is decided by them that the section 2353-A has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official.

Sec. 8. 25 MRSA §2361, sub-§1-A, as enacted by PL 2009, c. 261, Pt. B, §12, is amended to read:

1-A. Municipal enforcement. Effective December 1, 2010, duly appointed fire chiefs or their designees, municipal building officials and code enforcement officers, when authorized by their respective municipal employer, may bring a civil action in the name of the municipality to enforce any of the state laws, duly adopted state rules or local ordinances enacted pursuant to this Part and Title 10, chapter 1103; and

Sec. 9. 25 MRSA §2371, sub-§6, as enacted by PL 2007, c. 699, §11, is amended to read:

6. Third-party inspector. "Third-party inspector" means a person certified by the State to conduct inspections under Title 30-A, section 4451 for compliance with the code. A 3rd-party inspector may not hold a pecuniary interest, directly or indirectly, in any building for which the 3rd-party inspector issues an inspection report pursuant to section 2373 and may not be serve as a 3rd-party inspector in any municipality where that 3rd-party inspector has been appointed as a building official or code enforcement officer.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 16, 2011.

CHAPTER 366

H.P. 1148 - L.D. 1563

An Act To Regulate the Licensing and Oversight of Professional Investigators

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

Sec. 1. 5 MRSA §12004-G, sub-§29-D is enacted to read:

29-D.

<u>Professional</u>	<u>Board of</u>	<u>Expenses</u>	<u>32 MRSA</u>
<u>Investigators</u>	<u>Licensure of</u>	<u>Only</u>	<u>§8103-A</u>
	<u>Professional</u>		
	<u>Investigators</u>		

Sec. 2. 17-A MRSA §1057, sub-§1, ¶A, as enacted by PL 1989, c. 917, §2, is amended to read: