

MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

June 2, 2011

John Morris, Commissioner
Department of Public Safety
Technical Building Codes and Standards Board
45 Commerce Drive, Suite 1
Augusta, Maine 04333-0104

Dear Commissioner Morris:

The Joint Standing Committee on Labor, Commerce, Research and Economic Development voted to pass as amended LD 1253, *An Act to Amend the Laws Governing the Enforcement of Statewide Uniform Building Codes*, which has been enacted pursuant to Public Law 2011, chapter 365. The committee gathered valuable information during the public hearing and work session on this bill and was able to adopt legislation that responded to a variety of concerns from the public that were raised regarding the application of the Maine Uniform Building and Energy Code ("MUBEC") to specific structures, the need for further clarification regarding the requirement of a certificate of occupancy in towns with more than 2,000 inhabitants, as well as the need for a sufficient number of third party inspectors to assist with the enforcement of the MUBEC.

In addition to the legislative changes to the MUBEC that were incorporated into Public Law 2011, chapter 365, the committee determined that several issues brought to the committee's attention would benefit from further discussion and consideration by the Technical Building Codes and Standards Board. The committee respectfully requests the board's consideration of and recommendations on the following issues during the legislative interim:

- 1) *Seasonal dwellings*: Maine has a significant number of seasonal cottages and seasonal housing providers comprised of hunting and fishing camps, lake front "efficiency" cabins and others, which are used for a limited time during the year. Since many of these cottages and camps are not used as year-round homes, Public Law 2011, chapter 365 establishes a limited 1 year exception from the requirements of the 2009 edition of the International Energy Conservation Code for these buildings until June 2012. The law defines "seasonally restricted cottage" as 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. The committee requests that the Board provide their recommendation regarding the need for an ongoing exemption for seasonal dwellings, as well as proposed language for a definition for seasonal dwellings

that will limit any unintended hardship on owners of these properties, as well as avoid capturing homes in the definition that should otherwise remain subject to the IECC requirements.

2) *Agricultural buildings*: Public Law 2011, chapter 365 provides an exception from the requirements of the MUBEC for warehouses or silos used to store harvested crops. The committee is interested in any recommendations the Board may have to refine this exception to the MUBEC, if necessary, in order to ensure that agricultural buildings are built in a safe manner that is also cost effective and efficient.

3) *Training opportunities for home builders*: The committee requests that the Board provide recommendations on possible opportunities for builders to receive training in the requirements of the MUBEC from the community colleges, trade groups or other organizations in order to ensure that builders across the state are able to access training opportunities that will help to ensure that homes are being built in accordance with MUBEC standards.

4) *Disposition of the standards (ASTM for Radon, ASHRAE for ventilation, Energy)*: The committee requests that the Board develop a proposed recommendation for the committee as to whether or not these standards should be mandatory elements of the MUBEC or voluntary standards that are not required in every building.

5) *Residential basement wall insulation*: Public Law 2011, chapter 365 requires the Board to adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council. The committee requests that the Board review this standard for basement wall insulation and report back to the committee as to whether or not this standard is meeting the needs of builders and homeowners.

6) *LURC territory and tribal lands*: The committee requests that the Board provide their recommendation to the committee as to whether or not the MUBEC should apply to municipalities within the jurisdiction of the Land Use Regulation Commission or to tribal lands, as the statute currently does not address this issue.

The committee extends its sincere appreciation for all of the board's hard work and diligence in adopting and maintaining the Maine Uniform Building and Energy Code and looks forward to reviewing the board's recommendations during the Second Regular Session of the 125th Legislature.

Sincerely,

Christopher W. Rector
Senate Chair

Kerri L. Prescott
House Chair

cc: Members of the Joint Standing Committee on Labor, Commerce, Research and Economic Development