

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON BUSINESS, RESEARCH
AND ECONOMIC DEVELOPMENT**

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Business, Research and Economic Development

LD 652 An Act To Clarify the Maine Uniform Building and Energy Code

PUBLIC 261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILES	OTP-AM	H-301

This bill amends the law governing the Maine Uniform Building and Energy Code.

1. It specifically provides that a local ordinance is not inconsistent with the Maine Uniform Building and Energy Code if the local ordinance implements a provision of one of the national codes upon which the Maine Uniform Building and Energy Code was based, but that was not included in the Maine Uniform Building and Energy Code.
2. It specifically exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to the Maine Revised Statutes, Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code.
3. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review such a report for accuracy.
4. It changes from June 1, 2010 to July 1, 2010 the date by which a municipality that has adopted a building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code.
5. It requires the Executive Department, State Planning Office to publish a list by January 1, 2010 of those municipalities that must begin enforcement of the Maine Uniform Building and Energy Code by July 1, 2010.
6. It specifies that, for purposes of determining an enforcement date, life safety and fire codes are not considered building codes.
7. It directs the Technical Building Codes and Standards Board to review issues regarding the 3rd-party inspector concept and make any recommendations that will enhance the viability of this enforcement option.

Committee Amendment "A" (H-301)

This amendment replaces the bill. Part A provides the following changes to the Maine Uniform Building and Energy Code:

1. It changes from July 1, 2010 to December 1, 2010 the date by which a municipality that has more than 2,000 residents that has adopted any building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code;
2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine Uniform Building and Energy Code becomes the successor to all adopted building, energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010 the effective date for code enforcement officers to become certified in the Maine Uniform Building and Energy Code standards;
3. It adds a definition for building codes that were adopted by municipalities prior to the Maine Uniform Building and Energy Code to clarify which municipalities will trigger the staggered enforcement provisions;

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4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

Enacted Law Summary

Public Law 2009, chapter 261 amends the Maine Uniform Building and Energy Code. Part A of the law makes the following changes:

1. It changes from July 1, 2010 to December 1, 2010 the date by which a municipality that has more than 2,000 residents that has adopted any building code by August 1, 2008 must begin enforcement of the Maine Uniform Building and Energy Code;
2. It changes from July 1, 2010 to December 1, 2010 the date that the Maine Uniform Building and Energy Code becomes the successor to all adopted building, energy and radon codes and standards, and extends from January 1, 2010 to June 1, 2010 the effective date for code enforcement officers to become certified in the Maine Uniform Building and Energy Code standards;
3. It adds a definition for building codes that were adopted by municipalities prior to the Maine Uniform Building and Energy Code to clarify which municipalities will trigger the staggered enforcement provisions;

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4. It exempts municipalities that are enforcing the Maine Uniform Building and Energy Code through 3rd-party inspections pursuant to Title 25, section 2373 from the provision of law requiring the inspector of buildings to inspect construction for compliance with the Maine Uniform Building and Energy Code;
5. It specifies that the inspector of buildings may issue a certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector and that the municipality is not obligated to review the report for accuracy;
6. It changes the date that the Technical Building Codes and Standards Board is required to adopt the Maine Uniform Building and Energy Code from January 1, 2010 to no later than June 1, 2010 and similarly extends the date that building construction and renovation projects may utilize either the Maine Uniform Building and Energy Code or existing building and energy codes adopted by any political subdivision of the State from between January 1, 2010 and July 1, 2010 to between June 1, 2010 and December 1, 2010;
7. It changes the Technical Building Codes and Standards Board annual reporting date from December 31st each year to January 31st each year, beginning in 2011, which requires the board to report to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters any proposals for proposed conflict resolutions for codes and standards, proposals to improve the efficiency and effectiveness of those codes and standards and alternative methods of funding for the board to create an equitable source of revenue;
8. It requires the Technical Building Codes and Standards Board to review issues regarding 3rd-party inspectors and inspections, including, but not limited to, tort claims protection, and make any recommendations for changes to the law, including any necessary implementing legislation, to the Joint Standing Committee on Business, Research and Economic Development no later than December 1, 2010; and
9. It also provides the Department of Professional and Financial Regulation with an extension until December 1, 2010 to provide the report that is required pursuant to Resolve 2007, chapter 219 on the issue of residential contractor licensing.

Part B resolves errors and potential conflicts created by enactment of Public Law 2007, chapter 699, which through a revision clause attempted to change references to the position of inspector of buildings to the position of building official. In some instances a direct replacement by revision clause was impossible because the terminology to be changed was not exactly the same as that specified in the revision clause. In some instances where substantive changes were made in the public law in a section having a postponed effective date, changing the terminology by revision clause would have created a future conflict. This Part also incorporates changes contained in Part A.

LD 673 An Act To Improve the Protection for Buyers of Motor Vehicles from Vehicles Labeled Lemons in Other States

PUBLIC 53

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP	

This bill helps ensure that a Maine consumer who purchases a vehicle that had been returned to the manufacturer pursuant to another state's lemon law is notified of this fact if that information is known to the dealer before the consumer decides to purchase the motor vehicle.

Enacted Law Summary

Public Law 2009, chapter 53 helps to ensure that a Maine consumer who purchases a vehicle that had been returned