An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

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

Presented by Representative McKANE of Newcastle.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §9724, sub-$1, as amended by PL 2009, c. 261, Pt. A, §7, is repealed and the following enacted in its place:

**1. Limitations on home rule authority; adoption of building or energy code.**
This chapter provides express limitations on municipal home rule authority. Beginning December 1, 2012, a municipality that has adopted, as of January 1, 2011, a building code or portion of a building code related to commercial, residential or existing structures or an energy code must adopt the portion of the Maine Uniform Building and Energy Code related to commercial, residential or existing structures or an energy code, respectively. Any portion of the Maine Uniform Building and Energy Code adopted by a municipality must be enforced through inspections that comply with Title 25, section 2373.

Sec. 2. 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 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. 3. 10 MRSA §9724, sub-$4, as enacted by PL 2007, c. 699, §6, is amended to read:

**4. 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. The requirements of the Maine Uniform Building and Energy Code do not apply to:

A. Log homes or manufactured housing as defined in chapter 951; or

B. Post and beam or timber frame construction; or

C. A municipality that has not adopted a building code.

Sec. 4. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 10, section 9724, subsection 3 applies retroactively to December 1, 2010.

**SUMMARY**

Current law requires the adoption of the Maine Uniform Building and Energy Code by all municipalities with more than 2,000 residents by July 1, 2012, including those municipalities without a building code. An ordinance that conflicts with the Maine Uniform Building and Energy Code is considered void as of December 1, 2010.

Beginning December 1, 2012, this bill requires a municipality, regardless of size, that has adopted a building code, including a building code or portion of a building code related to residential, commercial or existing structures or an energy code, as of January 1, 2011, to adopt the comparable portion of the Maine Uniform Building and Energy Code.
Code. The municipality is required to adopt only that portion of the Maine Uniform Building and Energy Code that relates to the code already in place in that municipality. This bill also delays voidance of a conflicting municipal ordinance until December 1, 2012.