



125th MAINE LEGISLATURE

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Legislative Document

No. 1442

S.P. 449

In Senate, April 12, 2011

An Act To Clarify Enforcement of Maine's Building Codes

Reference to the Committee on State and Local Government suggested and ordered printed.

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator BARTLETT of Cumberland.

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 2009, c. 261, Pt. A, §7, is
3 further amended to read:

4 **1. Limitations on home rule authority.** This chapter provides express limitations
5 on municipal home rule authority. Beginning December 1, 2010, the Maine Uniform
6 Building and Energy Code must be enforced in a municipality that has more than 2,000
7 residents and that has adopted any building code by August 1, 2008. Beginning July 1,
8 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality
9 that has more than 2,000 residents and that has not adopted any building code by August
10 1, 2008. As of July 1, 2012, the Maine Uniform Building and Energy Code must be
11 adopted and enforced by all municipalities with more than 2,000 residents. The Maine
12 Uniform Building and Energy Code must be enforced through inspections that comply
13 with Title 25, section 2373.

14 **Sec. 2. 10 MRSA §9724, sub-§3**, as amended by PL 2009, c. 261, Pt. A, §9, is
15 repealed and the following enacted in its place:

16 **3. Ordinances.** Except as provided in subsection 4 and section 9725, any ordinance
17 regarding a building code of a municipality that is inconsistent with the Maine Uniform
18 Building and Energy Code is void in a municipality that has adopted the Maine Uniform
19 Building and Energy Code.

20 **Sec. 3. 12 MRSA §685-B, sub-§1-C** is enacted to read:

21 **1-C. Building code.** The commission shall inform in writing an applicant for a
22 permit to construct a building under subsection 1 of the existence of the Maine Uniform
23 Building and Energy Code adopted pursuant to Title 10, chapter 1103.

24 **Sec. 4. 25 MRSA §2371, sub-§6**, as enacted by PL 2007, c. 699, §11, is amended
25 to read:

26 **6. Third-party inspector.** "Third-party inspector" means a person certified by the
27 State to conduct inspections under Title 30-A, section 4451 for compliance with the code.
28 A 3rd-party inspector may not hold a pecuniary interest, directly or indirectly, in any
29 building for which the 3rd-party inspector issues an inspection report pursuant to section
30 2373 and may not ~~be~~ serve as a 3rd-party inspector in any municipality in which the
31 person is appointed as a building official.

32 **Sec. 5. Retroactivity.** That section of this Act that amends the Maine Revised
33 Statutes, Title 10, section 9724, subsection 3 applies retroactively to December 1, 2010.

34 **SUMMARY**

35 This bill:

1 1. Clarifies that the Maine Uniform Building and Energy Code must be adopted and
2 enforced by all municipalities with a population of more than 2,000 residents by July 1,
3 2012;

4 2. Clarifies that a municipal ordinance that is inconsistent with the Maine Uniform
5 Building and Energy Code is void in a municipality that has adopted the Maine Uniform
6 Building and Energy Code. This provision applies retroactively to the date of adoption of
7 the Maine Uniform Building and Energy Code, which is December 1, 2010 for certain
8 municipalities;

9 3. Requires the Maine Land Use Regulation Commission to provide written notice of
10 the existence of the Maine Uniform Building and Energy Code to an applicant for a
11 building permit in an unorganized or deorganized territory; and

12 4. Prohibits a person from serving as a 3rd-party inspector for the purposes of
13 enforcing the Maine Uniform Building and Energy Code in a municipality in which that
14 person is appointed a building official.