

CHAPTER 1103

MAINE UNIFORM BUILDING AND ENERGY CODE

§9721. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 699, §6 (NEW).]

1. Board. "Board" means the Technical Building Codes and Standards Board established in Title 5, section 12004-G, subsection 5-A.
[PL 2007, c. 699, §6 (NEW).]

1-A. Building code. "Building code" means any part or portion of any edition of a code that regulates the construction of a building, including codes published by the International Code Council or Building Officials and Code Administrators International, Inc. or the International Existing Building Code adopted pursuant to former section 9702, but does not include the fire and life safety codes in Title 25, section 2452.
[PL 2013, c. 588, Pt. D, §1 (AMD).]

2. Maine Uniform Building and Energy Code. "Maine Uniform Building and Energy Code" means the uniform statewide building and energy code adopted by the board pursuant to this chapter.
[PL 2007, c. 699, §6 (NEW).]

3. Maine Uniform Building Code. "Maine Uniform Building Code" means that portion of the Maine Uniform Building and Energy Code that does not contain energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph B.
[PL 2019, c. 391, §1 (AMD).]

4. Maine Uniform Energy Code. "Maine Uniform Energy Code" means that portion of the Maine Uniform Building and Energy Code that contains only energy code requirements as determined by the board pursuant to section 9722, subsection 6, paragraph B.
[PL 2019, c. 391, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 699, §6 (NEW). PL 2009, c. 261, Pt. A, §5 (AMD). RR 2011, c. 1, §9 (COR). PL 2011, c. 408, §1 (AMD). PL 2013, c. 120, §13 (AMD). PL 2013, c. 588, Pt. D, §1 (AMD). PL 2019, c. 391, §1 (AMD).

§9722. Technical Building Codes and Standards Board

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of Public Safety, Office of the State Fire Marshal, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd-party inspectors.
[PL 2011, c. 633, §5 (AMD).]

2. Membership. The board consists of 12 members, including the Director of the Efficiency Maine Trust, who serves ex officio and may not vote, and the following 11 individuals, who are voting members appointed by the Governor:

A. The State Fire Marshal or a designee or a fire chief, recommended by the Maine Fire Chiefs' Association or its successor organization; [PL 2007, c. 699, §6 (NEW).]

B. A municipal code enforcement officer employed by a municipality that is not a service center community under Title 30-A, chapter 187, recommended by the Maine Municipal Association or its successor organization; [PL 2007, c. 699, §6 (NEW).]

C. A municipal code enforcement officer employed by a service center community under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition or its successor organization; [PL 2007, c. 699, §6 (NEW).]

D. A residential builder recommended by a statewide or regional association of home builders and remodelers; [PL 2007, c. 699, §6 (NEW).]

E. A commercial builder recommended by a statewide association of general contractors; [PL 2007, c. 699, §6 (NEW).]

F. An architect licensed in the State who is accredited by a nationally recognized organization that administers credentialing programs related to environmentally sound building practices and standards, recommended by a statewide chapter of a national institute of architects; [PL 2007, c. 699, §6 (NEW).]

G. A structural engineer licensed in the State, recommended by a statewide association of structural engineers; [PL 2007, c. 699, §6 (NEW).]

H. A historic preservation representative, recommended by the Maine Historic Preservation Commission, with experience implementing the standards for the treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68 (2007), who is:

- (1) An architect licensed in the State;
- (2) A structural engineer licensed in the State; or
- (3) A builder; [PL 2007, c. 699, §6 (NEW).]

I. An energy efficiency representative, recommended by the Director of the Governor's Energy Office within the Executive Department, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction; [PL 2011, c. 655, Pt. MM, §10 (AMD); PL 2011, c. 655, Pt. MM, §26 (AFF).]

J. A mechanical engineer licensed in the State, recommended by a statewide association of mechanical engineers; and [PL 2007, c. 699, §6 (NEW).]

K. A lumber material dealer or supplier, recommended by a statewide association of lumber dealers in the State. [PL 2007, c. 699, §6 (NEW).]

A member appointed under this subsection must have at least 5 years' experience in the field that member is nominated to represent and must be employed in that field.
[PL 2019, c. 391, §2 (AMD).]

3. Ex officio member; chair. The Commissioner of Public Safety, or the commissioner's designee, serves as an ex officio member and as the chair of the board. The chair is a nonvoting member, except in the case of a tie of the board. The chair is responsible for ensuring that the board maintains the purpose of its charge when executing its assigned duties, that any adoption and amendment requirements for the Maine Uniform Building and Energy Code are met and that training and technical assistance is provided to municipal building officials.
[PL 2007, c. 699, §6 (NEW).]

4. Terms; removal. Appointed members of the board are appointed for 4-year terms and are eligible for reappointment. If there is a vacancy for any cause among the appointed members, the Governor shall make an appointment immediately effective for the unexpired term. An appointed member of the board may be removed from the board for cause by the Governor.

[PL 2019, c. 391, §3 (AMD).]

5. Meetings; quorum. The board shall meet quarterly and at such other times as the board determines necessary. Seven voting members of the board constitute a quorum for the transaction of business under this chapter.

[PL 2007, c. 699, §6 (NEW).]

6. Duties and powers. In addition to other duties set forth in this chapter, the board shall:

A. Adopt rules in accordance with the Maine Administrative Procedure Act necessary to carry out its duties under this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A; [PL 2007, c. 699, §6 (NEW).]

B. Adopt, amend and maintain the Maine Uniform Building and Energy Code. The board shall ensure that the Maine Uniform Building and Energy Code consists of the following codes and standards:

- (1) International Building Code published by the International Code Council;
- (2) International Existing Building Code published by the International Code Council;
- (3) International Residential Code published by the International Code Council;
- (4) International Energy Conservation Code published by the International Code Council;
- (5) International Mechanical Code published by the International Code Council;
- (6) ASHRAE Standard 62.1 Ventilation for Acceptable Indoor Air Quality;
- (7) ASHRAE Standard 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings;
- (8) ASHRAE Standard 90.1 Energy Standard for Buildings Except Low-Rise Residential Buildings; and
- (9) Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings published by the American Society for Testing and Materials.

For purposes of this paragraph, ASHRAE has the same meaning as in section 1413, subsection 1.

Codes and standards adopted under this paragraph are mandatory, except as provided in paragraph B-1. The board shall ensure that each new edition of a code or standard adopted under this paragraph is reviewed by the board, and that each code or standard adopted under paragraph B is either the most recent edition or the edition previous to the most recent edition of that code or standard; [PL 2019, c. 391, §4 (AMD).]

B-1. Ensure the following in adopting and amending the Maine Uniform Building and Energy Code:

- (1) That historic preservation is a policy priority by ensuring that:
 - (a) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings are maintained in the adopted versions of the Maine Uniform Building and Energy Code; and
 - (b) The board proactively identifies additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code;
- (2) That nontraditional or experimental construction, including but not limited to straw bale, mass timber and earth berm construction, is permissible under the Maine Uniform Building and Energy Code;

- (3) That building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the Maine Uniform Building and Energy Code; and
 - (4) That buildings used to house livestock, store harvested crops or cultivate crops are not subject to the Maine Uniform Building and Energy Code. The exemption in this subparagraph does not include the cultivation of cannabis regulated under Title 22 or 28-B; [PL 2023, c. 527, §1 (AMD).]
- C. Adopt rules for the review and adoption of amendments to the Maine Uniform Building and Energy Code, including:
- (1) A process for consideration of amendment proposals submitted by municipalities, county, regional or state governmental units, professional trade organizations and the public;
 - (2) A requirement that amendments that are more restrictive than the national minimum standard be accompanied by an economic impact statement that includes:
 - (a) An identification of the types and an estimate of the number of the small businesses subject to the proposed amendment;
 - (b) The projected reporting, record-keeping and other administrative costs required for compliance with the proposed amendment, including the type of professional skills necessary for preparation of the report or record;
 - (c) A brief statement of the probable impact on affected small businesses; and
 - (d) A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed amendment;
 - (3) A process for reviewing and evaluating criteria to identify whether an amendment is needed to:
 - (a) Address a critical life or safety need, a specific state policy or statute or a unique character of the State;
 - (b) Ensure consistency with state rules or federal regulations; or
 - (c) Correct errors and omissions;
 - (4) Timelines governing the filing of amendments and a process to establish an annual adoption cycle; and
 - (5) A process for publication of adopted amendments within 30 days of adoption; [PL 2007, c. 699, §6 (NEW).]
- D. Identify and resolve conflicts between the Maine Uniform Building and Energy Code and the fire safety codes and standards adopted pursuant to Title 25, section 2452. The board shall develop rules designed to resolve these conflicts, which must include:
- (1) Notification to the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and a request for submission of proposed solutions for such conflicts;
 - (2) Procedures for consideration of proposed solutions submitted by the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and consideration of new approaches to resolving the conflict; and
 - (3) Publication of resolution of the conflict within 30 days of adoption; [PL 2007, c. 699, §6 (NEW).]
- E. On January 31st of each calendar year beginning in 2011, 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 referenced in section 9725, subsections 2 to 7; 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; [PL 2009, c. 261, Pt. A, §6 (AMD).]

F. Develop technical advisory groups of experts and interest group representatives as necessary to provide the board with detailed information and recommendations on amendments to the Maine Uniform Building and Energy Code, national model codes revisions and conflict resolution with other building-related codes and standards adopted in the State. The board may direct the technical advisory groups to identify economic impacts on small businesses, housing affordability, construction costs, life-cycle costs or code enforcement costs of proposed changes to the code; [PL 2007, c. 699, §6 (NEW).]

G. In accordance with section 9723, ensure that training and certification regarding the Maine Uniform Building and Energy Code is readily available, affordable and accessible to municipal building officials; [PL 2021, c. 293, Pt. A, §17 (AMD).]

H. [PL 2019, c. 391, §4 (RP).]

I. Approve methods of energy performance rating for use in generating any consumer information labels that may be required in the marketing and sale of residential and commercial buildings or units within buildings; [PL 2021, c. 524, §1 (AMD).]

J. [PL 2019, c. 391, §4 (RP).]

K. [PL 2019, c. 391, §4 (RP).]

L. [PL 2019, c. 391, §4 (RP).]

REVISOR'S NOTE: (Paragraph L as enacted by PL 2011, c. 408, §3 is REALLOCATED TO TITLE 10, SECTION 9722, SUBSECTION 6, PARAGRAPH M)

M. **(REALLOCATED FROM T. 10, §9722, sub-§6, ¶L)** [PL 2021, c. 293, Pt. A, §19 (RP).]

N. [PL 2021, c. 293, Pt. A, §20 (RP).]

O. No later than July 1, 2020, adopt, amend and maintain an appendix to the Maine Uniform Building and Energy Code as an optional part of the code that contains energy conservation and efficiency requirements that are based on established national voluntary efficiency standards that exceed the energy code requirements established in the Maine Uniform Building and Energy Code. As the code is updated, the board shall ensure that the energy conservation and efficiency requirements in the appendix continue to exceed the requirements established in the Maine Uniform Building and Energy Code. The appendix must be made available for voluntary adoption by any municipality. The board shall maintain a list of municipalities that have voluntarily adopted the appendix to the Maine Uniform Building and Energy Code on its publicly accessible website; [PL 2023, c. 292, §1 (AMD).]

P. Ensure, through the adoption of necessary amendments, that the Maine Uniform Building and Energy Code expressly allows the installation and use of acceptable refrigeration or air conditioning products or equipment as defined in section 9724, subsection 7; and [PL 2023, c. 292, §2 (AMD).]

Q. No later than December 1, 2023, adopt the standards set forth in the Canadian Standards Association Standard for Residential Mechanical Ventilation Systems, CAN/CSA-F326-M91, as an alternative path for compliance with the ASHRAE Standard 62.2 Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings under the Maine Uniform Building and Energy Code. For purposes of this paragraph, "ASHRAE" has the same meaning as in section 1413, subsection 1. [PL 2023, c. 292, §3 (NEW).]

[PL 2023, c. 527, §1 (AMD).]

SECTION HISTORY

PL 2007, c. 699, §6 (NEW). PL 2009, c. 261, Pt. A, §6 (AMD). RR 2011, c. 1, §§10-12 (COR). PL 2011, c. 365, §§1-3 (AMD). PL 2011, c. 408, §§2, 3 (AMD). PL 2011, c. 633, §5 (AMD). PL 2011, c. 655, Pt. MM, §10 (AMD). PL 2011, c. 655, Pt. MM, §26 (AFF). PL 2015, c. 126, §§1-3 (AMD). PL 2019, c. 391, §§2-4 (AMD). PL 2019, c. 392, §§1-3 (AMD). PL 2021, c. 293, Pt. A, §§17-20 (AMD). PL 2021, c. 524, §§1-3 (AMD). PL 2023, c. 292, §§1-3 (AMD). PL 2023, c. 527, §1 (AMD).

§9723. Training and certification program standards

1. Appoint committee; establish requirements. The board shall appoint a 5-member training and certification committee, referred to in this section as "the committee," to establish the training and certification requirements for municipal building officials, local code enforcement officers and 3rd-party inspectors. For purposes of this section, "3rd-party inspector" has the same meaning as set forth in Title 25, section 2371, subsection 6.

[PL 2007, c. 699, §6 (NEW).]

2. Training program standards; implementation. The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of Public Safety, Office of the State Fire Marshal, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

[PL 2019, c. 517, §1 (AMD).]

3. Annual review. The committee shall annually review the training program developed pursuant to subsection 2 to confirm that training courses are regularly offered in geographically diverse locations and that training for municipal building officials is fully funded by the State.

[PL 2007, c. 699, §6 (NEW).]

SECTION HISTORY

PL 2007, c. 699, §6 (NEW). PL 2011, c. 633, §6 (AMD). PL 2011, c. 655, Pt. FF, §2 (AMD). PL 2011, c. 655, Pt. FF, §16 (AFF). PL 2013, c. 424, Pt. A, §3 (AMD). PL 2019, c. 517, §1 (AMD).

§9724. Application

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

[PL 2019, c. 391, §5 (AMD).]

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents is not required to enforce, but may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

[PL 2019, c. 391, §6 (AMD).]

1-B. Residents. For the purposes of subsections 1 and 1-A, "residents" does not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality.

[PL 2011, c. 505, §1 (NEW).]

2. Prior statewide codes and standards. Effective December 1, 2010, the Maine Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is intended to be the successor

to, the Model Energy Code established in Title 35-A, former section 121 and the Maine model radon standard for new residential construction set forth in Title 25, former section 2466.

[PL 2013, c. 588, Pt. D, §2 (AMD).]

3. Ordinances. Effective December 1, 2010, except as provided in subsection 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.

[PL 2011, c. 365, §4 (AMD).]

4. Exception.

[PL 2011, c. 365, §5 (RP).]

5. Exception. Except as provided in subsection 7, 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. If such an ordinance does not provide for a process to appeal decisions made by building officials administering and enforcing the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, an appeal may be taken in the same manner as provided under Title 30-A, section 4103, subsection 5. 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. [PL 2011, c. 365, §6 (NEW).]

B. [PL 2011, c. 365, §6 (NEW); MRSA T. 10 §9724, sub-5, ¶B (RP).]
[PL 2021, c. 524, §4 (AMD).]

6. Adoption by reference. The Maine Uniform Building Code, the Maine Uniform Energy Code and the Maine Uniform Building and Energy Code may be adopted by reference by a municipality as specified in Title 30-A, section 3003.

[PL 2011, c. 582, §2 (NEW).]

7. Installation or use of certain refrigeration or air conditioning products or equipment. Notwithstanding subsection 5, paragraph A or any other provision of this chapter to the contrary, a municipality may not adopt or enforce any provision of a building code, including the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, that prohibits the installation or use of acceptable refrigeration or air conditioning products or equipment.

As used in this subsection, "acceptable refrigeration or air conditioning products or equipment" means refrigeration or air conditioning products or equipment that:

- A. Uses a refrigerant listed by the United States Environmental Protection Agency in regulations adopted pursuant to 42 United States Code, Section 7671k as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits; and [PL 2021, c. 524, §5 (NEW).]
- B. Is installed in accordance with any applicable conditions or limitations imposed by the regulations described in paragraph A. [PL 2021, c. 524, §5 (NEW).]

[PL 2021, c. 524, §5 (NEW).]

SECTION HISTORY

PL 2007, c. 699, §6 (NEW). PL 2009, c. 261, Pt. A, §§7-9 (AMD). PL 2011, c. 365, §§4-6 (AMD). PL 2011, c. 408, §§4, 5 (AMD). PL 2011, c. 505, §1 (AMD). PL 2011, c. 582, §§1, 2 (AMD). PL 2013, c. 588, Pt. D, §2 (AMD). PL 2019, c. 391, §§5, 6 (AMD). PL 2021, c. 524, §§4, 5 (AMD).

§9725. Fire and building-related codes and standards remain

The codes and standards listed in this section remain in force in their entirety unless the board adopts and publishes a conflict resolution between the fire and safety codes and standards and the Maine Uniform Building and Energy Code. Conflict resolutions adopted pursuant to this chapter must also be incorporated into the fire and safety codes and standards by the appropriate authorities: [PL 2007, c. 699, §6 (NEW).]

1. Fire safety codes and standards. Fire safety codes and standards adopted pursuant to Title 25, sections 2452 and 2465; [PL 2007, c. 699, §6 (NEW).]

2. Electrical standards. Electrical standards adopted pursuant to Title 32, section 1153-A; [PL 2007, c. 699, §6 (NEW).]

3. Plumbing code. The plumbing code adopted pursuant to Title 32, section 3403-B; [PL 2007, c. 699, §6 (NEW).]

4. Oil and solid fuel burning equipment standards. Oil and solid fuel burning equipment standards adopted pursuant to Title 32, section 18123, subsection 2; [PL 2009, c. 344, Pt. B, §8 (AMD); PL 2009, c. 344, Pt. E, §2 (AFF).]

5. Propane and natural gas equipment standards. Propane and natural gas equipment standards adopted pursuant to Title 32, section 18123, subsection 2; [PL 2009, c. 344, Pt. B, §9 (AMD); PL 2009, c. 344, Pt. E, §2 (AFF).]

6. Boiler and pressure vessel standards. Boiler and pressure vessel standards adopted pursuant to Title 32, section 15103-A; and [PL 2013, c. 70, Pt. B, §2 (AMD).]

7. Elevator standards. Elevator standards adopted pursuant to Title 32, section 15205-A. [PL 2013, c. 70, Pt. B, §3 (AMD).]

SECTION HISTORY

PL 2007, c. 699, §6 (NEW). PL 2009, c. 344, Pt. B, §§8, 9 (AMD). PL 2009, c. 344, Pt. E, §2 (AFF). PL 2013, c. 70, Pt. B, §§2, 3 (AMD).

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