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No. 1392

H.P. 966

House of Representatives, April 11, 2017

**An Act To Allow Municipalities To Opt Not To Enforce the Maine
Uniform Building and Energy Code**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ESPLING of New Gloucester.
Cosponsored by Representatives: CEBRA of Naples, PICKETT of Dixfield, SEAVEY of
Kennebunkport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA §9721, sub-§1-B** is enacted to read:

3 **1-B. Code.** "Code" means the Maine Uniform Building Code, the Maine Uniform
4 Energy Code or the Maine Uniform Building and Energy Code.

5 **Sec. 2. 10 MRSA §9724, sub-§1**, as amended by PL 2011, c. 408, §4, is further
6 amended to read:

7 **1. Limitations on home rule authority; adoption of building code.** This chapter
8 provides express limitations on municipal home rule authority. ~~The Maine Uniform~~
9 ~~Building and Energy Code must be enforced in a municipality that has more than 4,000~~
10 ~~residents and that has adopted any building code by August 1, 2008. Beginning July 1,~~
11 ~~2012, the Maine Uniform Building and Energy Code must be enforced in a municipality~~
12 ~~that has more than 4,000 residents and that has not adopted any building code by August~~
13 ~~1, 2008. Beginning January 1, 2018, a municipality that has more than 4,000 residents~~
14 ~~must enforce either the Maine Uniform Building Code, the Maine Uniform Energy Code~~
15 ~~or the Maine Uniform Building and Energy Code. The Maine Uniform Building and~~
16 ~~Energy Code code adopted by that municipality must be enforced through inspections~~
17 that comply with Title 25, section 2373.

18 **Sec. 3. 10 MRSA §9724, sub-§1-B**, as enacted by PL 2011, c. 505, §1, is
19 amended to read:

20 **1-B. Residents.** For the purposes of subsections 1 ~~and~~ 1-A and 1-C, "residents"
21 does not include persons held at a correctional facility, as defined in Title 34-A, section
22 1001, subsection 6, within the municipality.

23 **Sec. 4. 10 MRSA §9724, sub-§1-C** is enacted to read:

24 **1-C. Municipalities that have more than 4,000 residents.** A municipality that has
25 more than 4,000 residents may not adopt or enforce a building code other than the Maine
26 Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform
27 Building and Energy Code. Notwithstanding any other provision of this chapter or Title
28 25, chapter 314, the provisions of the codes do not apply in a municipality that has more
29 than 4,000 residents except to the extent the municipality has adopted one or more of
30 these codes pursuant to this subsection. The codes must be enforced through inspections
31 that comply with Title 25, section 2373.

32 **Sec. 5. 25 MRSA §2371, sub-§4**, as enacted by PL 2007, c. 699, §11, is amended
33 to read:

34 **4. Code.** "Code" means the Maine Uniform Building Code, the Maine Uniform
35 Energy Code or the Maine Uniform Building and Energy Code adopted pursuant to Title
36 10, chapter 1103.

37 **Sec. 6. 25 MRSA §2373, first ¶**, as amended by PL 2011, c. 408, §6, is further
38 amended to read:

