

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
S.P. 374 - L.D. 1253

**An Act To Amend the Laws Governing the Enforcement of Statewide
Uniform Building Codes**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, immediate clarification and adjustments in the Maine Uniform Building and Energy Code are necessary to ensure that Maine's consumers, builders, contractors and lending community are able to build and sell high-quality buildings in the State; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 10 MRSA §9722, sub-§6, ¶J, as enacted by PL 2007, c. 699, §6, is amended to read:

J. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that nontraditional or experimental construction, including but not limited to straw bale and earth berm construction, is permissible under the code; ~~and~~

Sec. 2. 10 MRSA §9722, sub-§6, ¶K, as enacted by PL 2007, c. 699, §6, is amended to read:

K. In the adoption and amendment of the Maine Uniform Building and Energy Code, ensure that building materials from local sawmills, including but not limited to nongraded lumber, are permissible under the code; ~~and~~

Sec. 3. 10 MRSA §9722, sub-§6, ¶L is enacted to read:

L. In the adoption and amendment of the Maine Uniform Building and Energy Code, adopt the standards for residential basement wall insulation under the 2006 edition of the International Energy Conservation Code published by the International Code Council.

Sec. 4. 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~~ 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.

Sec. 5. 10 MRSA §9724, sub-§4, as enacted by PL 2007, c. 699, §6, is repealed.

Sec. 6. 10 MRSA §9724, sub-§5 is enacted to read:

5. 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. 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.

B. The requirements of the 2009 edition of the International Energy Conservation Code within the Maine Uniform Building and Energy Code do not apply to seasonally restricted cottages.

For the purposes of this paragraph, "seasonally restricted cottage" means a residential building unit made up of a room or group of rooms that provide sleeping accommodations, as well as accommodations for bathing and cooking, for not more than the entire summer season and that do not have water service after the summer season. This paragraph is repealed June 15, 2012.

Sec. 7. 25 MRSA §2357-A, first ¶, as amended by PL 2011, c. 94, §1, is further amended to read:

~~Subject to the provisions of Title 10, chapter 951, a~~ A building in a municipality of more than 2,000 inhabitants may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103, ~~pursuant to and in accordance with the required inspections enforcement and inspection options provided in section 2373 that the building has been built in accordance with section 2353-A, and so as to be safe from fire.~~ The building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to section 2373, subsection 4. The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the building official for any cause declines to give that certificate

and the builder has in the builder's own judgment complied with section 2353-A, an appeal may be taken ~~to the municipal officers~~ pursuant to Title 30-A, section 4103, subsection 5 and, if on such appeal it is decided ~~by them~~ that ~~the~~ section 2353-A has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official.

Sec. 8. 25 MRSA §2361, sub-§1-A, as enacted by PL 2009, c. 261, Pt. B, §12, is amended to read:

1-A. Municipal enforcement. Effective December 1, 2010, duly appointed fire chiefs or their designees, municipal building officials and code enforcement officers, when authorized by their respective municipal employer, may bring a civil action in the name of the municipality to enforce any of the state laws, duly adopted state rules or local ordinances enacted pursuant to this Part and Title 10, chapter 1103; and

Sec. 9. 25 MRSA §2371, sub-§6, as enacted by PL 2007, c. 699, §11, is amended to read:

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

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor