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

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

Sec. 1. 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. 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. 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.

Sec. 2. 25 MRSA §2357-A, as enacted by PL 2009, c. 261, Pt. B, §7, is amended to read:

§ 2357-A.No occupancy without certificate; appeal

Subject to the provisions of Title 10, chapter 951, a building 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 the required inspections in section 2373 that the building has been built in accordance with section 2353-A, ~~and so as to be safe from fire.~~ The inspector of buildings 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~~ may 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.

This section takes effect December 1, 2010.

Sec. 3. 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. 4. 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 beserve as a 3rd-party inspector in any municipality where that 3rd-party inspector has been appointed as a building official or code enforcement officer.

Sec. 5. Adoption of radon and ASHRAE standards. The Department of Public Safety, Technical Building Codes and Standards Board, established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 5-A, shall review and decide where in the State and under what circumstances the radon and ASHRAE standards identified in Public Law 2007, chapter 699, section 21, subsection 1, paragraphs E and F, should be required. The board shall update or amend the Maine Uniform Building and Energy Code to implement the board's findings, as necessary.

SUMMARY

This bill makes several changes to the laws governing the adoption, enforcement and implementation of the Maine Uniform Building and Energy Code.

The bill allows a municipality to adopt Appendix G of the 2009 International Residential Code, or "IRC," which contains the safety fencing standards for swimming pools.

The bill removes an archaic and vague requirement that inspections for the purpose of issuing an occupancy permit be conducted to ensure that a building is "safe from fire." The bill also expressly authorizes a municipality to review the work of a 3rd-party inspector for accuracy. The bill clarifies that appeals may be taken to either the municipal officers or a local board of appeals and that municipal employees may not take enforcement action without authorization by the employing municipality.

The bill amends the law to allow a building official to serve as a 3rd-party inspector as long as the building official is providing that service outside of the official's geographic jurisdiction as a building official.

The bill directs the Department of Public Safety, Technical Building Codes and Standards Board to determine where in Maine and under what circumstances the radon and internal air quality building codes should be applied.