

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Resolve Conflicts in the Implementation of the Maine Uniform Building and Energy Code

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

Sec. 1. 10 MRSA §9724, sub-§6 is enacted to read:

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.

Sec. 2. 25 MRSA §2351-A, as enacted by PL 2009, c. 261, Pt. B, §2, is amended to read:

§ 2351-A. Building official; compensation; deputy

In every town and city of more than 2,000 inhabitants, and in every town of 2,000 inhabitants or less, if such a town so votes at a town meeting, and in each village corporation, if such a corporation so votes at the annual meeting of the corporation, the municipal officers shall annually in the month of April appoint a building official, ~~who must be a person certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E,~~ and shall determine the building official's compensation. If a building official is appointed by a municipality that has adopted or is enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724, that building official must be certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E. Whenever the building official becomes incapacitated, the municipal officers may appoint or authorize the building official to appoint a deputy building official, who shall serve until removed by the municipal officers, but in no event beyond the term for which the building official was appointed. The deputy building official shall perform such duties as may be required of the deputy building official by the building official. The compensation of the deputy building official is determined by the municipal officers.

~~This section takes effect December 1, 2010.~~

Sec. 3. 25 MRSA §2353-A, as enacted by PL 2009, c. 261, Pt. B, §4, is amended to read:

§ 2353-A. Duty to inspect buildings under construction

~~Unless the municipality is enforcing the Maine Uniform Building and Energy Code by means of 3rd-party inspectors pursuant to section 2373, subsection 4, the~~The building official shall inspect each building during the process of construction for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103 and so far as may be necessary to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor as the building official considers necessary concerning the construction of the building so as to render the building safe

from the catching and spreading of fire. For a building official in a municipality that is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724, unless the municipality is enforcing that code by means of 3rd-party inspectors pursuant to section 2373, subsection 4, the building official shall inspect each building during the process of construction for compliance with the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

~~This section takes effect December 1, 2010.~~

Sec. 4. 25 MRSA §2357-A, as amended by PL 2011, c. 94, §1 and c. 365, §7, is further amended to read:

§ 2357-A.No occupancy without certificate; appeal

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 inspections required by section 2353-A. A building in a municipality of more than 2,000 inhabitants that has adopted or is enforcing the Maine Uniform Building and Energy Code pursuant to Title 10, section 9724 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, and in accordance with the required enforcement and inspection options provided in section 2373. 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 pursuant to Title 30-A, section 4103, subsection 5 and, if on such appeal it is decided that 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.~~

SUMMARY

This bill limits the scope and effect of the Maine Uniform Building and Energy Code to those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. Under this bill, the requirement that a building official be certified in the enforcement of the Maine Uniform Building and Energy Code, and the inspection of buildings and issuance of occupancy permits only upon compliance with the Maine Uniform Building and Energy Code, applies only in those municipalities that have adopted or are enforcing the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code. This bill also specifies that a municipality that adopts the Maine Uniform Building and Energy Code or a portion of the Maine Uniform Building and Energy Code may do so by reference, as is allowed for other codes.