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An Act To Remove the Municipal Mandate To Enforce 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-§1, as amended by PL 2011, c. 408, §4, is further amended to read:

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 and that has adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.~~

Sec. 2. 10 MRSA §9724, sub-§1-B, as enacted by PL 2011, c. 505, §1, is amended to read:

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

Sec. 3. 10 MRSA §9724, sub-§1-C is enacted to read:

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

Sec. 4. 25 MRSA §2373, first ¶, as amended by PL 2011, c. 408, §6, is further amended to read:

The code must be enforced in a municipality that has more than 4,000 residents and that has ~~adopted any building~~the code by August 1, 2008. ~~Beginning July 1, 2012, the code must be enforced in a municipality that has more than 4,000 residents and that has not adopted any building code by August 1, 2008.~~ The code must be enforced through inspections that comply with the code through any of the following means:

SUMMARY

Under current law, all municipalities of more than 4,000 residents must enforce the Maine Uniform Building and Energy Code. Municipalities with 4,000 or fewer residents are not required to adopt or enforce the Maine Uniform Building and Energy Code, but if such a municipality adopts or enforces a building code, it must be the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

This bill allows, but does not require, a municipality of more than 4,000 residents to adopt and enforce a building code, but it restricts the code that may be adopted or enforced by that municipality to the Maine Uniform Building and Energy Code.