



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1253

S.P. 374

In Senate, March 22, 2011

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

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

Joseph G. Carleton Jr.

JOSEPH G. CARLETON, JR.
Secretary of the Senate

Presented by Senator SAVIELLO of Franklin.

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

2 **Sec. 1. 10 MRSA §9724, sub-§4**, as enacted by PL 2007, c. 699, §6, is amended
3 to read:

4 **4. Exception.** This section does not prohibit the adoption or enforcement of an
5 ordinance of any political subdivision that sets forth provisions for local enforcement of
6 building codes. This section does not prohibit the adoption or enforcement of an
7 ordinance of any political subdivision that sets forth the swimming pool fencing
8 standards, without amendment, contained in Appendix G of the 2nd edition of the 2009
9 International Residential Code. The requirements of the Maine Uniform Building and
10 Energy Code do not apply to:

- 11 A. Log homes or manufactured housing as defined in chapter 951; or
- 12 B. Post and beam or timber frame construction.

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

15 **§2357-A. No occupancy without certificate; appeal**

16 Subject to the provisions of Title 10, chapter 951, a building may not be occupied
17 until the building official has given a certificate of occupancy for compliance with the
18 Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103,
19 pursuant to the required inspections in section 2373 that the building has been built in
20 accordance with section 2353-A, ~~and so as to be safe from fire~~. The inspector of buildings
21 may issue the certificate of occupancy upon receipt of an inspection report by a certified
22 3rd-party inspector pursuant to section 2373, subsection 4. The municipality ~~has no~~
23 ~~obligation to~~ may review a report from a 3rd-party inspector for accuracy prior to issuing
24 the certificate of occupancy. If the owner permits it to be so occupied without such
25 certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In
26 case the building official for any cause declines to give that certificate and the builder has
27 in the builder's own judgment complied with section 2353-A, an appeal may be taken ~~to~~
28 ~~the municipal officers~~ pursuant to Title 30-A, section 4103, subsection 5 and, if on such
29 appeal it is decided ~~by them~~ that ~~the~~ section 2353-A has been complied with, the owner
30 of the building is not liable to a fine for want of the certificate of the building official.

31 This section takes effect December 1, 2010.

32 **Sec. 3. 25 MRSA §2361, sub-§1-A**, as enacted by PL 2009, c. 261, Pt. B, §12, is
33 amended to read:

34 **1-A. Municipal enforcement.** Effective December 1, 2010, duly appointed fire
35 chiefs or their designees, municipal building officials and code enforcement officers,
36 when authorized by their respective municipal employer, may bring a civil action in the
37 name of the municipality to enforce any of the state laws, duly adopted state rules or local
38 ordinances enacted pursuant to this Part and Title 10, chapter 1103; and

