

## CHAPTER 314

### BUILDING CODES AND STANDARDS

#### §2371. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2007, c. 699, §11 (NEW).]

**1. Board.** "Board" means the Technical Building Codes and Standards Board established in Title 5, section 12004-G, subsection 5-A.

[PL 2007, c. 699, §11 (NEW).]

**2. Building official.** "Building official" means a building official appointed pursuant to section 2351-A.

[PL 2011, c. 94, §2 (AMD).]

**3. Bureau.**

[PL 2011, c. 633, §7 (RP).]

**4. Code.** "Code" means the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

[PL 2007, c. 699, §11 (NEW).]

**5. Commissioner.** "Commissioner" means the Commissioner of Public Safety.

[PL 2007, c. 699, §11 (NEW).]

**5-A. Division.** "Division" means the Division of Building Codes and Standards established in section 2372.

[PL 2011, c. 633, §8 (NEW).]

**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 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.

[PL 2011, c. 365, §9 (AMD).]

#### SECTION HISTORY

PL 2007, c. 699, §11 (NEW). PL 2011, c. 94, §2 (AMD). PL 2011, c. 365, §9 (AMD). PL 2011, c. 633, §§7, 8 (AMD).

#### §2372. Division of Building Codes and Standards

**1. Established.** The Division of Building Codes and Standards is established within the Department of Public Safety, Office of the State Fire Marshal to provide administrative support and technical assistance to the board in executing its duties pursuant to Title 10, section 9722, subsection 6.

[PL 2011, c. 633, §9 (AMD).]

**2. Staff.** The commissioner may appoint and may remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel

employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of the code, amendments, conflict resolutions and interpretations. Technical support and public outreach must include, but may not be limited to:

- (1) Providing nonbinding interpretation of the code for professionals and the general public; and
- (2) Establishing and maintaining a publicly accessible website to publish general technical assistance, code updates and interpretations and post-training course schedules; and [PL 2011, c. 633, §9 (AMD).]

B. An office specialist to provide administrative support to the division and the board. [PL 2011, c. 633, §9 (AMD).]

[PL 2019, c. 517, §2 (AMD).]

#### SECTION HISTORY

PL 2007, c. 699, §11 (NEW). PL 2011, c. 633, §9 (AMD). PL 2019, c. 517, §2 (AMD).

#### §2373. Municipal inspection options

The code must be enforced in a municipality that has more than 4,000 residents. The code must be enforced through inspections that comply with the code through any of the following means: [PL 2019, c. 391, §7 (AMD).]

**1. Building officials.** Building officials and local code enforcement officers; [PL 2007, c. 699, §11 (NEW).]

**2. Interlocal agreements.** Interlocal agreements with other municipalities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; [PL 2007, c. 699, §11 (NEW).]

**3. Contractual agreements.** Contractual agreements with county or regional authorities that share the use of building officials certified in building standards pursuant to Title 10, section 9723; and [PL 2007, c. 699, §11 (NEW).]

**4. Third-party inspectors.** Reports from 3rd-party inspectors certified pursuant to Title 10, section 9723 submitted to the building official prior to obtaining a certificate of occupancy in section 2357-A that are obtained pursuant to independent contractual arrangements between the building owner and 3rd-party inspector or the municipality and 3rd-party inspector. [PL 2011, c. 633, §10 (AMD).]

#### SECTION HISTORY

PL 2007, c. 699, §11 (NEW). PL 2009, c. 261, Pt. A, §12 (AMD). PL 2011, c. 408, §6 (AMD). PL 2011, c. 633, §10 (AMD). PL 2019, c. 391, §7 (AMD).

#### §2374. Uniform Building Codes and Standards Fund

The Uniform Building Codes and Standards Fund, referred to in this section as "the fund," is established within the Department of Public Safety to fund the activities of the division under this chapter and the activities of the board under Title 10, chapter 1103 and Title 30-A, section 4451, subsection 3-A. Revenue for this fund is provided by the surcharge established by section 2450-A. The Department of Public Safety shall determine an amount to be transferred annually from the fund for training and certification under Title 30-A, section 4451, subsection 3-A to the Maine Code Enforcement Training and Certification Fund established in Title 30-A, section 4451, subsection 3-B. Any balance of the fund may not lapse, but must be carried forward as a continuing account to be expended for the same purpose in the following fiscal year. [PL 2019, c. 517, §3 (AMD).]

#### SECTION HISTORY

PL 2007, c. 699, §11 (NEW). PL 2009, c. 213, Pt. M, §3 (AMD). PL 2011, c. 633, §11 (AMD). PL 2011, c. 655, Pt. FF, §3 (AMD). PL 2011, c. 655, Pt. FF, §16 (AFF). PL 2013, c. 424, Pt. A, §12 (RPR). PL 2019, c. 517, §3 (AMD).

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