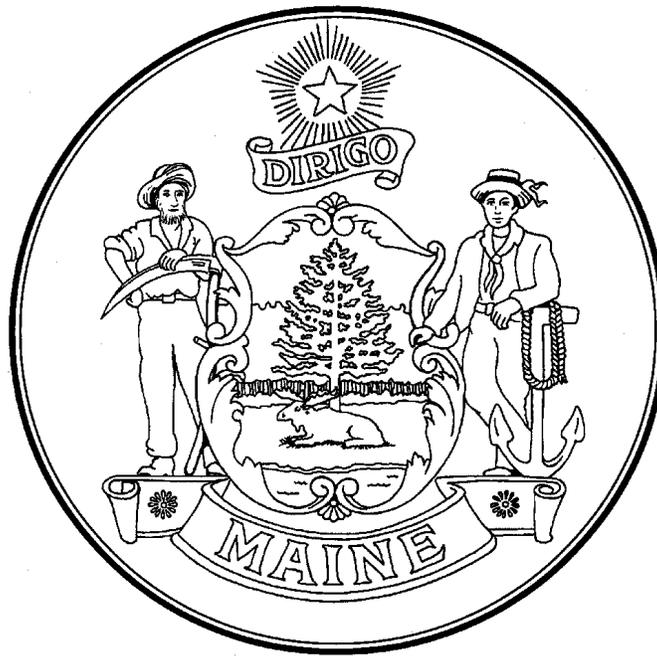


MAINE STATE LEGISLATURE

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Title 5, section 12004-G, subsection 5-A.

2. Maine Uniform Building and Energy Code. “Maine Uniform Building and Energy Code” means the uniform statewide building and energy code adopted by the board pursuant to this chapter.

§ 9722. Technical Building Codes and Standards Board

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of Public Safety, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and other building-related codes ~~the fire and safety codes~~ and to provide for training for municipal building inspectors.

2. Membership. The board consists of ~~11~~ 12 voting members, appointed by the Governor:

A. The State Fire Marshal or a designee;

B. A fire chief or ~~local fire marshal~~, recommended by the Maine Fire Chiefs’ Association or its successor organization;

C. A municipal code enforcement officer employed by a municipality ~~which has voted to locally enforce the code pursuant to section 9726~~ that is not a service center community under Title 30-A, chapter 187, recommended by the Maine Municipal Association or its successor organization;

D. A municipal code enforcement officer employed by a ~~service center community municipality which has voted to locally enforce the code pursuant to section 9726, that is a service center community~~ under Title 30-A, chapter 187, recommended by the Maine Service Centers Coalition or its successor organization;

E. A residential builder recommended by a statewide regional association of home builders and remodelers;

F. A commercial builder recommended by a statewide association of general contractors;

G. An architect licensed in the State who is accredited by a nationally recognized organization that administers credentialing programs related to environmentally sound building practices and standards, recommended by a statewide chapter of a national institute of architects;

H. A structural engineer licensed in the State, recommended by a statewide association of structural engineers;

I. A historic preservation representative, recommended by the Maine Historic Preservation Commission, with experience implementing the standards for the treatment of historic properties set forth in 36 Code of Federal Regulations, Part 68 (2007), who is:

(1) An architect licensed in the State;

(2) A structural engineer licensed in the State; or

(3) A builder;

J. An energy efficiency representative, recommended by the director of the Governor's Office of Energy Independence and Security, who has experience or expertise in the design or implementation of energy codes or in the application of energy efficiency measures in residential or commercial construction;

(1) An architect licensed in the State;

(2) A structural engineer licensed in the State; or

(3) A builder; and

K. A professional building access specialist experienced with state and federal accessibility regulations, recommended by the Maine Human Rights Commission;

L. A mechanical engineer licensed in the State, recommended by a statewide association of mechanical engineers.

A member appointed under this subsection must have at least 5 years' experience in the field that member is nominated to represent and must be employed in that field.

3. Ex officio member; chair. The Commissioner of Public Safety, or the commissioner's designee, serves as a nonvoting ex officio member and as the chair of the board. The board chair is nonvoting except in the case of a tie of the board. The chair is responsible for ensuring that the board maintains the purpose of its charge when executing its assigned duties, that any adoption and amendment requirements for the Maine Uniform Building and Energy Code are met and that training and technical assistance is provided to municipal building inspectors.

4. Terms; removal. Appointments to the board are made for a 4-year term, and members are eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment immediately effective for the unexpired term. A member of the board may be removed from the board for cause by the Governor.

5. Meetings; quorum. The board shall meet quarterly and at such other times as the board determines necessary. Five ~~Seven~~ voting members of the board constitute a quorum for the transaction of business under this chapter.

6. Duties and powers. In addition to other duties set forth in this chapter, the board shall:

A. Adopt rules necessary to carry out its duties. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

B. Adopt, amend and maintain the Maine Uniform Building and Energy Code;

C. Adopt rules for the review and adoption of amendments to the Maine Uniform Building and

Energy Code, including:

- (1) A process for consideration of amendment proposals submitted by municipalities, county, regional or state governmental units, professional trade organizations and the public;
- (2) A requirement that amendments that are more restrictive than the national minimum standard be accompanied by an economic impact statement that includes:
 - (a) An identification of the types and an estimate of the number of the small businesses subject to the proposed amendment;
 - (b) The projected reporting, record-keeping and other administrative costs required for compliance with the proposed amendment, including the type of professional skills necessary for preparation of the report or record;
 - (c) A brief statement of the probable impact on affected small businesses; and
 - (d) A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed amendment;
- (3) A process for reviewing and evaluating criteria to identify whether an amendment is needed to:
 - (a) Address a critical life or safety need, a specific state policy or statute or a unique character of the State;
 - (b) Ensure consistency with state rules or federal regulations; or
 - (c) Correct errors and omissions;
- (4) Timelines governing the filing of amendments, which must require board action within 90 days of filing, and a process to establish an annual adoption cycle; and
- (5) A process for publication of adopted amendments within 30 days of adoption;

D. Identify and resolve conflicts between the Maine Uniform Building and Energy Code and the codes and standards referenced in section 9725(1). The board shall develop rules designed to resolve these conflicts, which must include:

- (1) Notification to the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and a request for submission of proposed solutions for such conflicts;
- (2) Procedures for consideration of proposed solutions submitted by the authority or authorities having jurisdiction over the code or standard that is in conflict with the Maine Uniform Building and Energy Code and consideration of new approaches to resolving the conflict; and

(3) Publication of resolution of the conflict within 30 days of adoption:

~~*D-1. The Committee shall seek to identify conflicts between the Maine Uniform Building and Energy Code and all other codes and standards referenced in 9725 and develop solutions.*~~

E. Develop technical advisory groups of experts and interest group representatives as necessary to provide the board with detailed information and recommendations on amendments to the Maine Uniform Building and Energy Code, national model codes revisions and conflict resolution with other building-related codes and standards adopted in the State. The board may direct the technical advisory groups to identify economic impacts on small businesses, housing affordability, construction costs, life-cycle costs or code enforcement costs of proposed changes to the code;

F. In accordance with section 9723, ensure that training and certification regarding the Maine Uniform Building and Energy Code is readily available, affordable and accessible to municipal building inspectors; and

G. Make historic preservation a policy priority in the adoption and amendment of the Maine Uniform Building and Energy Code.

(1) Provisions of model codes and standards intended to facilitate the continued use or adaptive reuse of historic buildings must be maintained in the adopted versions of the Maine Uniform Building and Energy Code.

(2) The board shall proactively identify additional or alternative compliance means and methods for historic buildings in the adoption and amendment of the Maine Uniform Building and Energy Code.

~~*H. Review existing state codes listed in section 9725 and make recommendations to the legislature for changes that would enhance the efficiency and effectiveness of those codes.*~~

~~*I. Review alternative methods of funding for the board, create an equitable source of revenue and report back its recommendations to the Business Research and Economic Development Committee no later than January 1, 2010.*~~

~~*J. Review, in consultation with relevant stakeholders, the local enforcement of the Maine Uniform Building and Energy Code and report its findings to the Business, Research and Economic Development Committee no later than November 15, 2013.*~~

§ 9723. Training and certification

1. Appoint committee; establish requirements. The board shall appoint a 5-member training and certification committee, referred to in this section as “the committee,” to establish the training and certification requirements for municipal building inspectors.

2. Training program. The committee shall direct the ~~training coordinator of the Division Office~~ of Building Codes and Standards, established in Title 25, section 2372, to develop a training

program for municipal building inspectors.

3. Annual review. The committee shall annually review the training program developed pursuant to subsection 2 to confirm that training courses are regularly offered in geographically diverse locations and that training for municipal building inspectors is fully funded by the State.

§ 9724. Application

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority.

2. Prior statewide codes and standards. Effective January 1, 2010, the Maine Uniform Building and Energy Code adopted pursuant to this chapter replaces, and is intended to be the successor to, the Model Energy Code established in Title 35-A, section 121 and the Maine model radon standard for new residential construction set forth in Title 25, section 2466.

3. Ordinances. Effective January 1, 2010, except as provided in subsection 4 and section 9725, any ordinance regarding a building code of any political subdivision of the State that is inconsistent with the Maine Uniform Building and Energy Code is void.

4. Exception. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision regarding a building code that conforms substantially with any applicable provision of state law or that sets forth provisions for local enforcement of building codes.

§ 9725. Fire and building-related codes and standards remain

The codes and standards listed in this section remain in force in their entirety unless the board adopts and publishes a conflict resolution between ~~them~~ ~~the fire and safety codes and standards~~ and the Maine Uniform Building and Energy Code. Conflict resolutions adopted pursuant to this chapter must also be incorporated into ~~the fire and safety codes and standards~~ ~~these codes~~ by the appropriate authorities:

1. Fire safety codes and standards. Fire safety codes and standards adopted pursuant to Title 25, sections 2452 and 2465;

2. Electrical standards. Electrical standards adopted pursuant to Title 32, section 1153-A;

3. Plumbing code. The plumbing code adopted pursuant to Title 32, section 3403-B;

4. Oil and solid fuel burning equipment standards. Oil and solid fuel burning equipment standards adopted pursuant to Title 32, section 2353;

5. Propane and natural gas equipment standards. Propane and natural gas equipment standards adopted pursuant to Title 32, section 14804;

6. Boiler and pressure vessel standards. Boiler and pressure vessel standards adopted pursuant to Title 32, section 15104-A; and

7. Elevator standards. Elevator standards adopted pursuant to Title 32, section 15206.

§ 9726. Enforcement.

1. Voluntary Municipal Enforcement. *By vote of its legislative body, a municipality may choose to enforce the provisions of the Maine Uniform Building and Energy Code, or any portion thereof. A code enforcement officer must be certified to enforce the code.*

2. Board Notification. *Each municipality, which chooses to enforce the Maine Uniform Building and Energy Code, shall notify the Board of its decision to enforce within 60 days of the action of its legislative body.*

3. Public List. *The board shall maintain and make publicly available a list of all municipalities for which the Board has received notification pursuant to this section.*

Sec. 4. 25 MRSA §2351, as corrected by RR 1995, c. 2, §56, is amended to read:

§ 2351. Inspector; 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 thereof, the municipal officers shall annually in the month of April appoint an inspector of buildings, who must be a person skilled in the construction of buildings certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, and shall determine the inspector's compensation. ~~The municipal officers shall define the limits within which the inspector of buildings has jurisdiction, which includes the thickly settled portion of each such city or of each village in each such city or town.~~ Whenever the inspector of buildings becomes incapacitated, the municipal officers may appoint or authorize the inspector of buildings to appoint a deputy inspector of buildings who shall serve until removed by the municipal officers, but in no event beyond the term for which the inspector of buildings was appointed. The deputy inspector shall perform such duties as may be required of the deputy inspector by the inspector. The compensation of the deputy inspector is determined by the municipal officers.

Sec. 5. 25 MRSA §2353 is amended to read:

§ 2353. Duty to inspect buildings under construction

The inspector of buildings shall inspect each new 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 ~~he deems~~ the inspector considers necessary, concerning the construction of ~~such~~ the building so as to render the ~~same~~ building safe from the catching

and spreading of fire.

Sec. 6. 25 MRSA §2361, as enacted by PL 1985, c. 101, is amended to read:

§ 2361. Proceedings by municipality

1. Municipal enforcement. Duly appointed fire chiefs or their designees, municipal building inspectors and code enforcement officers may bring a civil action in the name of the municipality to enforce any of the state laws, duly promulgated~~adopted~~ state rules or local ordinances enacted pursuant to chapters 313 to 321~~this Part and Title 10, chapter 1103~~; and

2. Notice. In any proceeding brought by or against the State ~~which~~^{that} involves the validity of a municipal ordinance, the municipality ~~shall~~^{must} be given notice of the proceeding and ~~shall be~~^{is} entitled to be made a party to the proceeding and to be heard. In any proceeding brought by or against the municipality ~~which~~^{that} involves the validity of statute, ordinance or regulation, the Attorney General ~~shall~~^{must} be served and ~~shall be~~^{is} made a party to the proceeding and ~~be~~^{is} entitled to be heard. This section ~~shall apply~~^{applies} to enforcement of statutes, rules or ordinances enacted pursuant to chapters 313 to 321~~this Part and Title 10, chapter 1103~~.

Sec. 7. 25 MRSA c. 314 is enacted to read:

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.

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

2. Code. “Code” means the Maine Uniform Building and Energy Code adopted pursuant to Title 10, chapter 1103.

3. Commissioner. “Commissioner” means the Commissioner of Public Safety.

4. Inspector of buildings. “Inspector of buildings” means an inspector of buildings appointed pursuant to section 2351.

§ 2372. Division Office of Building Codes and Standards

1. Established. The Division Office 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.

2. Staff. The commissioner may appoint or remove for cause staff of the Division Office of

*affiliated Board -
w/ indirect oversight of
PPFR*

DPR?

Building Codes and Standards established under subsection 1, 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 bureau director and as the 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 non-binding 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;

B. A training coordinator, whose duties include the establishment of a program, through cooperative agreements with national, regional and state organizations, to provide the building inspector training required by the training and certification committee appointed by the board pursuant to Title 10, section 9723, and

B. An office specialist to provide administrative support to the Office technical codes coordinator, the training coordinator and the board.

§ 2373. Enforcement

1. Code enforcement. A municipality that is required to have an inspector of buildings pursuant to chapter 313 shall enforce the code. Enforcement may be provided through interlocal agreements with other municipalities or by contractual agreements between municipal, county or regional authorities. Contracts with 3rd party certified inspectors may be used in place of local code enforcement officers to enforce this chapter.

2. Building inspectors. An inspector of buildings shall review applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued, enforce compliance with the code and issue certificates of occupancy.

3. Reports of inspections. An inspector of buildings may accept reports of inspection by certified agencies or individuals approved by the board. Reports of such inspections must be in writing and be certified by a responsible officer of an approved agency or by the responsible individual. The inspector of buildings is authorized to engage such expert opinion as necessary to report upon unusual technical issues that arise.

4. Fees. A municipality that is required to have an inspector of buildings pursuant to chapter 313 shall establish a schedule of building inspection permit fees sufficient to cover the cost of