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No. 977

H.P. 691

House of Representatives, March 12, 2013

An Act To Restore Uniformity to the Maine Uniform Building and Energy Code

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative GRAHAM of North Yarmouth.
Cosponsored by Senator JOHNSON of Lincoln and
Representatives: BOLAND of Sanford, GILBERT of Jay, HAMANN of South Portland,
HERBIG of Belfast.

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

2 **Sec. 1. 10 MRSA §9724, sub-§1**, as amended by PL 2011, c. 408, §4, is further
3 amended to read:

4 **1. Limitations on home rule authority.** This chapter provides express limitations
5 on municipal home rule authority. The Maine Uniform Building and Energy Code must
6 be enforced in a municipality that has more than ~~4,000~~ 2,000 residents and that has
7 adopted any building code by August 1, 2008. Beginning July 1, 2012, the Maine
8 Uniform Building and Energy Code must be enforced in a municipality that has more
9 than 4,000 residents and that has not adopted any building code by August 1, 2008.
10 Beginning July 1, 2014, the Maine Uniform Building and Energy Code must be enforced
11 in a municipality that has more than 2,000 residents and that has not adopted any building
12 code by August 1, 2008. The Maine Uniform Building and Energy Code must be
13 enforced through inspections that comply with Title 25, section 2373.

14 **Sec. 2. 10 MRSA §9724, sub-§1-A**, as enacted by PL 2011, c. 408, §5, is
15 amended to read:

16 **1-A. Municipalities up to 2,000 residents.** A municipality of up to ~~4,000~~ 2,000
17 residents may not adopt or enforce a building code other than the Maine Uniform
18 Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and
19 Energy Code. Notwithstanding any other provision of this chapter or Title 25, chapter
20 314, the provisions of the Maine Uniform Building Code, the Maine Uniform Energy
21 Code or the Maine Uniform Building and Energy Code do not apply in a municipality
22 that has ~~4,000~~ 2,000 or fewer residents except to the extent the municipality has adopted
23 that code pursuant to this subsection.

24 **Sec. 3. 25 MRSA §2373, first ¶**, as amended by PL 2011, c. 408, §6, is further
25 amended to read:

26 The code must be enforced in a municipality that has more than ~~4,000~~ 2,000
27 residents and that has adopted any building code by August 1, 2008. Beginning July 1,
28 2012, the code must be enforced in a municipality that has more than 4,000 residents and
29 that has not adopted any building code by August 1, 2008. Beginning July 1, 2014, the
30 code must be enforced in a municipality that has more than 2,000 residents and that has
31 not adopted any building code by August 1, 2008. The code must be enforced through
32 inspections that comply with the code through any of the following means:

33 **SUMMARY**

34 Current law requires the Maine Uniform Building and Energy Code to be enforced in
35 a municipality that has more than 4,000 residents; a municipality with 4,000 or fewer
36 residents that has not adopted a building code is exempt. This bill requires the Maine
37 Uniform Building and Energy Code to be enforced in all municipalities with more than
38 2,000 residents, beginning July 1, 2014. A municipality with 2,000 or fewer residents is
39 exempt, but, if a building code is adopted in such a municipality, it must be the Maine
40 Uniform Building and Energy Code.