



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1416

H.P. 1042

House of Representatives, April 6, 2011

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### An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative McKANE of Newcastle.  
Cosponsored by Representatives: HAMPER of Oxford, MALABY of Hancock, Senator THIBODEAU of Waldo and Representatives: COTTA of China, CURTIS of Madison, FITTS of Pittsfield, HARVELL of Farmington, Senators: PLOWMAN of Penobscot, ROSEN of Hancock, THOMAS of Somerset.

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 2009, c. 261, Pt. A, §7, is  
3 repealed and the following enacted in its place:

4 **1. Limitations on home rule authority; adoption of building or energy code.**  
5 This chapter provides express limitations on municipal home rule authority. Beginning  
6 December 1, 2012, a municipality that has adopted, as of January 1, 2011, a building code  
7 or portion of a building code related to commercial, residential or existing structures or an  
8 energy code must adopt the portion of the Maine Uniform Building and Energy Code  
9 related to commercial, residential or existing structures or an energy code, respectively.  
10 Any portion of the Maine Uniform Building and Energy Code adopted by a municipality  
11 must be enforced through inspections that comply with Title 25, section 2373.

12 **Sec. 2. 10 MRSA §9724, sub-§3**, as amended by PL 2009, c. 261, Pt. A, §9, is  
13 further amended to read:

14 **3. Ordinances.** Effective December 1, ~~2010~~ 2012, except as provided in subsection  
15 4 and section 9725, any ordinance regarding a building code of any political subdivision  
16 of the State that is inconsistent with the Maine Uniform Building and Energy Code is  
17 void.

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

20 **4. Exception.** This section does not prohibit the adoption or enforcement of an  
21 ordinance of any political subdivision that sets forth provisions for local enforcement of  
22 building codes. The requirements of the Maine Uniform Building and Energy Code do  
23 not apply to:

24 A. Log homes or manufactured housing as defined in chapter 951; ~~or~~

25 B. Post and beam or timber frame construction; ~~or~~

26 C. A municipality that has not adopted a building code.

27 **Sec. 4. Retroactivity.** That section of this Act that amends the Maine Revised  
28 Statutes, Title 10, section 9724, subsection 3 applies retroactively to December 1, 2010.

29 **SUMMARY**

30 Current law requires the adoption of the Maine Uniform Building and Energy Code  
31 by all municipalities with more than 2,000 residents by July 1, 2012, including those  
32 municipalities without a building code. An ordinance that conflicts with the Maine  
33 Uniform Building and Energy Code is considered void as of December 1, 2010.

34 Beginning December 1, 2012, this bill requires a municipality, regardless of size, that  
35 has adopted a building code, including a building code or portion of a building code  
36 related to residential, commercial or existing structures or an energy code, as of January  
37 1, 2011, to adopt the comparable portion of the Maine Uniform Building and Energy

1 Code. The municipality is required to adopt only that portion of the Maine Uniform  
2 Building and Energy Code that relates to the code already in place in that municipality.  
3 This bill also delays voidance of a conflicting municipal ordinance until December 1,  
4 2012.