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Legislative Document

No. 921

H.P. 676

House of Representatives, February 21, 2019

**An Act To Allow Municipalities To Adopt Stricter Building and
Energy Code Standards Than the Maine Uniform Building and
Energy Code**

Reference to the Committee on Labor and Housing suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KESSLER of South Portland.
Cosponsored by Representative INGWERSEN of Arundel, Senator CHIPMAN of Cumberland
and Representatives: CAIAZZO of Scarborough, FECTEAU of Biddeford, RYKERSON of
Kittery.

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 or a
6 building code and an energy code containing standards more stringent than those
7 contained in the Maine Uniform Building and Energy Code must be enforced in a
8 municipality that has more than 4,000 residents and that has adopted any building code
9 by August 1, 2008. Beginning July 1, 2012, the Maine Uniform Building and Energy
10 Code must be enforced in a municipality that has more than 4,000 residents and that has
11 not adopted any building code by August 1, 2008. ~~The Maine Uniform Building and~~
12 ~~Energy Code~~ Beginning October 15, 2019, a municipality may adopt a building code and
13 an energy code containing standards more stringent than those contained in the Maine
14 Uniform Building and Energy Code. Prior to establishing building code and energy code
15 standards more stringent than those contained in the Maine Uniform Building and Energy
16 Code, municipalities must receive written approval from the board. All building codes
17 and energy codes must be enforced through inspections that comply with Title 25, section
18 2373.

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

21 **1-A. Municipalities up to 4,000 residents.** A municipality of up to 4,000 residents
22 may not adopt or enforce a building code other than the Maine Uniform Building Code,
23 the Maine Uniform Energy Code ~~or~~, the Maine Uniform Building and Energy Code or a
24 building code or energy code containing standards more stringent than those contained in
25 the Maine Uniform Building and Energy Code. Notwithstanding any other provision of
26 this chapter or Title 25, chapter 314, the provisions of the Maine Uniform Building Code,
27 the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code do not
28 apply in a municipality that has 4,000 or fewer residents except to the extent the
29 municipality has adopted that code pursuant to this subsection. Prior to establishing
30 building code or energy code standards more stringent than those contained in the Maine
31 Uniform Building and Energy Code, municipalities must receive written approval from
32 the board.

33 **SUMMARY**

34 This bill authorizes municipalities to adopt building and energy code requirements
35 that are more strict than those contained in the Maine Uniform Building and Energy
36 Code.