

§9724. Application

1. Limitations on home rule authority. This chapter provides express limitations on municipal home rule authority. The Maine Uniform Building and Energy Code must be enforced in a municipality that has more than 4,000 residents. The Maine Uniform Building and Energy Code must be enforced through inspections that comply with Title 25, section 2373.

[PL 2019, c. 391, §5 (AMD).]

1-A. Municipalities up to 4,000 residents. A municipality of up to 4,000 residents is not required to enforce, but may not adopt or enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.

[PL 2019, c. 391, §6 (AMD).]

1-B. Residents. For the purposes of subsections 1 and 1-A, "residents" does not include persons held at a correctional facility, as defined in Title 34-A, section 1001, subsection 6, within the municipality.

[PL 2011, c. 505, §1 (NEW).]

2. Prior statewide codes and standards. Effective December 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, former section 121 and the Maine model radon standard for new residential construction set forth in Title 25, former section 2466.

[PL 2013, c. 588, Pt. D, §2 (AMD).]

3. Ordinances. Effective December 1, 2010, except as provided in subsection 5 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.

[PL 2011, c. 365, §4 (AMD).]

4. Exception.

[PL 2011, c. 365, §5 (RP).]

5. Exception. Except as provided in subsection 7, this section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth provisions for local enforcement of building codes. If such an ordinance does not provide for a process to appeal decisions made by building officials administering and enforcing the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, an appeal may be taken in the same manner as provided under Title 30-A, section 4103, subsection 5. This section does not prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth the swimming pool fencing standards, without amendment, contained in Appendix G of the 2nd edition of the 2009 International Residential Code.

A. The requirements of the Maine Uniform Building and Energy Code do not apply to:

- (1) Log homes or manufactured housing as defined in chapter 951;
- (2) Post and beam or timber frame construction; or
- (3) Warehouses or silos used to store harvested crops. [PL 2011, c. 365, §6 (NEW).]

B. [PL 2011, c. 365, §6 (NEW); MRSA T. 10 §9724, sub-5, ¶B (RP).]

[PL 2021, c. 524, §4 (AMD).]

6. Adoption by reference. The Maine Uniform Building Code, the Maine Uniform Energy Code and the Maine Uniform Building and Energy Code may be adopted by reference by a municipality as specified in Title 30-A, section 3003.

[PL 2011, c. 582, §2 (NEW).]

7. Installation or use of certain refrigeration or air conditioning products or equipment.

Notwithstanding subsection 5, paragraph A or any other provision of this chapter to the contrary, a municipality may not adopt or enforce any provision of a building code, including the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code, that prohibits the installation or use of acceptable refrigeration or air conditioning products or equipment.

As used in this subsection, "acceptable refrigeration or air conditioning products or equipment" means refrigeration or air conditioning products or equipment that:

A. Uses a refrigerant listed by the United States Environmental Protection Agency in regulations adopted pursuant to 42 United States Code, Section 7671k as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits; and [PL 2021, c. 524, §5 (NEW).]

B. Is installed in accordance with any applicable conditions or limitations imposed by the regulations described in paragraph A. [PL 2021, c. 524, §5 (NEW).]

[PL 2021, c. 524, §5 (NEW).]

SECTION HISTORY

PL 2007, c. 699, §6 (NEW). PL 2009, c. 261, Pt. A, §§7-9 (AMD). PL 2011, c. 365, §§4-6 (AMD). PL 2011, c. 408, §§4, 5 (AMD). PL 2011, c. 505, §1 (AMD). PL 2011, c. 582, §§1, 2 (AMD). PL 2013, c. 588, Pt. D, §2 (AMD). PL 2019, c. 391, §§5, 6 (AMD). PL 2021, c. 524, §§4, 5 (AMD).

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