



Bill Summary

Rockport, ME
Boston, MA
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Hartford, CT
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LD 2257 – Maine Building Code Reform

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On April 24, 2008, Maine Governor Baldacci signed into law An Act to Establish a Uniform Building and Energy Code (Public Law, Chapter 699) making significant reforms to building codes in the state. The original bill, LD 2257, was enacted the prior week in the House of Representatives by a vote of 91 to 52 and in the Senate by a vote of 21 to 13.

The new law will benefit Maine's environment and economy and comes at a critical moment, considering that this year Maine homeowners and businesses will:

- consume 430 million gallons of heating oil,
- costing between \$1.2 and 1.6 billion dollars, or 4% of state GDP,
- and emitting fully ¼ of all greenhouse gases emitted in the state.

LD 2257 contains the following elements, some of which were incorporated by amendment from an earlier bill LD 2179, that are critical to helping Maine reduce the amount of energy needed to heat and light homes and power the economy.

1. Closes the residential energy code loophole. Until now, Maine was one of only three states East of the Mississippi River without a mandatory statewide energy efficiency code for new residential construction. Maine has maintained instead a “model” energy code for residential construction that was optional for towns to follow. LD 2257, Section 16, closes this “loophole” so that by 2010, new construction and major renovations in residential units will be covered by the code.

2. Applies the Code to 1- and 2-family units. Until now, Maine's “model” energy code applied only to multi-family residential construction having more than 2 units, effectively excluding the vast majority of residential new construction in the state. The new code will apply to all residential construction regardless of the number of units, except that log homes, manufactured housing, and post and beam homes are exempt. (Section 16)

3. Protects consumers and builders by enhancing code enforcement. Until now, Maine towns could choose what code to have and whether to inspect new construction for conformity with most elements of the building code. Some towns did not inspect new construction. The new law (Sections 3-6) requires that in all towns of more than 2000 inhabitants, no new construction or major renovation may be occupied until the inspector has issued a Certificate of Occupancy showing that the construction has been found to be in compliance with the newly updated, uniform statewide Code.

Such construction and renovation must be inspected “for compliance with the Maine Uniform Building and Energy Code” by someone “certified in building standards.” (See, Sections 4 and 5 of the bill, amending Sections 2351, 2353, and 2357 of Title 25 of the Maine Revised Statutes).

This provides a level playing field for builders bidding on jobs and reduces risk and inefficiency by ensuring that the codes are the same from one town to the next. It protects consumers who deserve to know that their new home or business building was properly built to code whether they are the first buyer or any subsequent buyer decades in the future. This provision comes not a moment too soon, as a February 2008 study published by the Maine Public Utilities Commission found that only 16% of recently constructed homes in Maine are being built to basic standards of energy efficiency.

4. Provides maximum flexibility for inspection options. Until now, only code enforcement officers or inspectors employed by the town could perform inspections. In smaller towns and more rural areas, this was a burden on municipal government and could delay construction jobs. Past efforts to enact uniform statewide codes had failed because towns were concerned they did not have good options for implementing and enforcing mandatory codes. The new law (Section 7, ¶2373) provides four authorized Municipal Inspection Options:

- (1) inspection by municipal officials or code enforcement officers employed by the municipal government;
- (2) inspection by certified building officials shared among towns under interlocal agreements;
- (3) inspection by certified building officials operating under contract with county or regional authorities;
- (4) inspections by certified, 3rd-party inspectors under contract to the building owner or the municipality.

5. Provides training and certification for inspectors. The state will train and certify inspectors. Municipally employed inspectors will have training and certification paid for out of a new surcharge on building permit fees. (Section 3, ¶9723).

6. Ensures the Codes keep up with the times. Until now, Maine’s “model” energy code required a change in statute in order to be updated. The new law establishes a Technical Building Codes and Standards Board, comprising a representative cross section of experts and professions, that must update the codes every five years. Effective in 2010, the 2009 edition of the International Energy Conservation Code will constitute the new mandatory standards for building energy efficiency. (Section 16).

7. More Consumer Information and Protection. The Codes and Standards Board is also directed to “(A)pprove methods of energy performance rating for use in generating any consumer protection information labels that may be required in the marketing and sale of residential and commercial buildings ...” (Section 3, ¶9722).

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