

# **The Maine Uniform Building and Energy Code (MUBEC)**

## **Important Facts**

### **The Law**

The Maine Uniform Building and Energy Code (MUBEC) was passed by the Maine Legislature and signed into law by Governor John Baldacci and is now known as Public Law 2007, Chapter 699. The bill passed the House on a vote of 91-52 and the Senate by a vote of 21-13. The new law will most likely reside under Title 10 but has not, as yet, been placed by the Revisers Office.

### **What it means**

This new law adopts, for the first time as a State wide law, the major provisions of the 2009 editions of the International Building, Residential, Energy and Existing Structures Codes. It will also include the provisions of the Maine Model Radon Code and the ASHRAE 90 ventilation standards. The new codes, which have not been written yet, will have different effective dates depending on if a municipality currently has a locally adopted code or not. For those municipalities that have an adopted code, the effective date will be July 1, 2010. Those towns and cities that do not have a code in place will have until January 1, 2012. Enforcement of these codes will be mandatory if the municipality has a population of 2000 or more and will be optional for municipalities with populations of less than 2000. The code will be mandatory in all parts of the state, regardless of the population of the municipality, it's just that in smaller towns where the option to not enforce the codes is chosen, there will be no inspections done.

### **The Building Code Technical Review Committee**

The new law creates an 11-member Building Code Technical Review Committee that will consist of various trades' people, engineers, public safety officials and 2 code enforcement officers, one from a non-service center community and one from a service center community. Their job will be to organize, promulgate and adopt the new code and to decide on conflicts between existing laws regulating building construction and the new MUBEC. They will also be responsible for creation and implementation of the CEO Training program for these codes.

### **Where in State Government will this be located?**

There was much debate of where the building code would reside in State Government. The bill creates a new division within the Department of Public Safety that would be separate and equal to (but not under) the State Fire Marshall's Office and would initially be staffed by 3 full time employees.

### **How will this be funded?**

Funding for the Board and the three full-time positions is provided by revenue generated by a new 4-cent per square foot surcharge on the existing plan review fees charged by the Fire Marshal's Office.

### **How will the new codes be enforced?**

There will be three options available for municipalities to choose from in order to provide for enforcement: The first is the method used by municipalities now which is to set up and fund a building code department within the town government. The second would be to share an inspector with other towns to take advantage of the scale of economies. This inspector could be an employee of a Regional Planning Commission or County and would be responsible for enforcing codes in several towns. This would be modeled similar to towns that contract with the County Government for police protection through the Sheriff's Office or with the State for services provided for by the State Police. The last option would have the towns issue Certificates of Occupancy only based on a report from an independent (third-party) inspector hired by the contractor to oversee construction and to issue reports to the town that the building was constructed in accordance with the State codes. These independent inspectors would have to be certified by the State in a similar manner as municipal inspectors.

### **How will MBOIA be involved in this new code?**

It is the desire of MBOIA to have at least one, if not both code enforcement positions on the Building Code Technical Review Committee filled by members of our Association. There will most likely be a sub-committee created to review the changes being proposed and to comment at the public hearings when they are held.

We would also like to take a leadership position in the creation and delivery of the training programs for CEO's. We believe our membership possesses knowledge, training and experience in the code enforcement profession that will be invaluable to those just entering the business. Harnessing this knowledge and experience will be critical in making our efforts successful.

### **Do you want to have a place at the table?**

The two Code Enforcement Officer positions on the Board will be filled by a Governor's nomination and confirmation by the Senate. The non-service center CEO will be recommended by the Maine Municipal Association and the service center CEO will be recommended by the Maine Service Center Coalition. Resumes can be forwarded to MMA at 60 Community Drive, Augusta, ME 04330 and to the Maine Service Center Coalition in care of Phillip Nadeau, Deputy City Administrator for the City of Lewiston, 27 Pine Street, Lewiston, ME 04240. Your officers and Board members would only ask that you send a copy of your resume and letter of interest to us so that we know who is interested in serving on this important board.

We are also compiling a list of members who would be interested in serving on a MUBEC review committee. Please send a letter or email your interest to [rlambert@sacomaine.org](mailto:rlambert@sacomaine.org) or [tnelson@biddefordmaine.org](mailto:tnelson@biddefordmaine.org).