

SUPPORT

LD 977 – An Act to Restore Uniformity to the Maine Uniform Building and Energy Code (Sponsor’s Amendment)

Sponsor: Representative GRAHAM of North Yarmouth.

Co-Sponsors: Senator JOHNSON of Lincoln; Representatives BOLAND of Sanford, GILBERT of Jay, HAMANN of South Portland, HERBIG of Belfast

Summary: The purpose of the bill is restore the Maine Uniform Building and Energy Code (MUBEC) to clear, statewide status, and restore some form of enforcement to cover most of the state. The purpose of MUBEC is to create regulatory consistency, making building and development easier in Maine and offering greater consumer protection, including with beneficial energy efficiency standards for new construction. The bill restores application of MUBEC as originally passed in 2008, i.e. MUBEC applies statewide with enforcement required in all towns with populations greater than 2,000. LD 977 would retain the various options for enforcement, including the option for enforcement of codes by third-party inspectors, thereby eliminating any mandate on municipalities to enforce the code if they do not wish to.

Explanation: In 2008 Maine’s Legislature passed MUBEC, becoming the 41st state (and the final state in the Northeast) to establish a statewide building and energy code for new construction. MUBEC is supported by most of the building industry—contractors, developers, builders, code officials, lumber dealers, mortgage lenders, insurers, architects, and engineers—because it replaced the patchwork of codes (and absence of codes) in towns across the state. MUBEC created a single, consistent code, thus easing construction and development in Maine.

The code also established beneficial and necessary energy efficiency standards, which are essential to protecting homeowners from purchasing homes that waste energy. The cheapest way to achieve energy efficient buildings is during new construction. These highly cost-effective standards are similar to those in 40 other states. Previous studies showed that 85% of new homes in Maine did not meet the MUBEC standard, a situation which, without passage of MUBEC, would have locked in inefficient housing stock for another generation.

MUBEC was phased-in and required considerable education by the building community. There was significant misinformation about the codes, which led the Legislature in 2011 to repeal MUBEC for nearly half of the state (towns with population under 4,000), split the MUBEC into parts, and allow towns to adopt the code one-by-one, all of which added confusion and eroded the positive impact of the code.

LD 977 will restore one of the most important characteristics of MUBEC: statewide uniformity. Clarity about statewide status is essential for mortgage lending and insurance. **All towns, however, will retain their discretion about whether or not to enforce the MUBEC through municipal code inspections.** If they do not wish to enforce the code themselves, inspections can be done through existing third-party code inspectors certified by the state. Some kind of enforcement is required in towns over 2,000. That is essential to the effectiveness of the code, and ensures a fair, level playing field for builders and developers.



Natural Resources
Council of Maine

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NRCM Supports LD 977 (as proposed to be amended by the sponsor).??