

**Chapter 1: MAINE UNIFORM BUILDING AND ENERGY CODE - ADMINISTRATIVE PROCEDURES**

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**SUMMARY:** All building construction in Maine, with some exceptions, is governed by the Maine Uniform Building Code Energy Code (“MUBEC”), which is adopted by the Technical Building Codes and Standards Board by rule in Chapters 1 through 7 pursuant to 10 M.R.S §9721, *et seq.*

These rules set forth the requirement of certain municipalities to enforce these Codes, the methods by which municipalities may accomplish building inspections, the deadlines for municipalities to begin enforcing these Codes, the requirement for establishing training and certification standards for building officials and third-party inspectors, requirements for third-party inspectors, the administrative procedures for requests for advisory rulings and code amendments, and the procedures for identifying and resolving code conflicts.

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**SECTION 1. PURPOSE AND SCOPE**

The Maine Technical Building Codes and Standards Board established pursuant to 5 M.R.S. §12004-G (5-A), hereinafter called the Board, is required by chapter 699, Public Laws of 2008 to adopt, maintain and amend the Maine Uniform Building and Energy Code hereinafter referred to as the MUBEC, as provided in 10 M.R.S. §9721, *et seq.* and the State Legislature.

The purpose of this Chapter is to set forth procedures for each individual municipality to recognize and where applicable, enforce these Codes. These Codes are a compilation of different codes and standards, which have been harmonized by identifying and resolving conflicts between the incorporated codes and standards. This Chapter also provides five options for building inspections, including the use of a third-party inspector.

**SECTION 2. AUTHORITY**

The authority for this Chapter is 10 M.R.S. §9722, which provides that the *Department of Public Safety Office of State Fire Marshal* shall promulgate rules which adopt, amend, and maintain these uniform Codes, to resolve conflicts between these Codes and the various codes and standards that are incorporated and comprise these Codes, and to provide training for municipal building officials, local code enforcement officers and third-party inspectors.

### SECTION 3. DEFINITIONS

As used throughout this Chapter and these rules, the following terms have the following meanings.

1. **Amendment.** “Amendment” means any modification to the MUBEC, initiated through Board action or by petition to the Board from any agency, municipality, county or interested individual or organization that would have the effect of changing the MUBEC. Amendments to the MUBEC must be adopted in accordance with the *Maine Administrative Procedure Act*, Title 5, Chapter 375.
2. **Any building code.** “Any building code” means a building code or standard locally adopted based on the Maine model building codes under 10 M.R.S. Chapter 1101, or a national model building code and used to regulate the construction of buildings. A fire and life safety code, fire safety ordinance or any land use ordinance, including but not limited to: the Land Use Planning Commission rules, are not considered as “any building code” for purposes of this definition.
3. **Applicant.** “Applicant” for a building permit or certificate of occupancy includes a property owner or his or her authorized agent, which includes but is not limited to a builder, developer, contractor, or construction manager.
4. **Board.** “Board” means the Technical Building Codes and Standards Board established in 5 M.R.S. §12004-G, subsection 5-A.
5. **Building official.** “Building official” means a building official or officer charged with the administration and enforcement of this Code and includes a codes enforcement officer appointed pursuant to 25 M.R.S. §2351-A.
6. **Bureau.** “Bureau” means the *Office of State Fire Marshal*.
7. **MUBEC.** “MUBEC” means the **Maine Uniform Building and Energy Code** adopted pursuant to 10 M.R.S. §9271, *et seq.*
8. **MUBEC Stretch Code.** An alternative building energy code adopted and maintained by the board as an appendix to the MUBEC, that is more stringent from the perspective of energy efficiency, carbon reductions, and resilience than the currently adopted edition of the Energy Code, which a municipality may elect to substitute, in its entirety, for the current edition of the Energy Code, 10 M.R.S. §9722, *et seq.*
9. **Model codes.** “Model codes” means the codes developed by the model code organizations and adopted by reference in 10 M.R.S. §9721, *et seq.*
10. **Model code organization(s).** “Model Code organization(s)” means the national code-promulgating organizations that develop the model codes (as defined herein), such as the International Code Council, International Association of Plumbing and Mechanical Officials, National Fire Protection Association and American Society of Heating, Refrigerating, and Air-Conditioning Engineers.
11. **Municipality.** “Municipality” means any city, town, plantation or municipal village corporation within the State.

12. **Population.** “Population” means the number of residents living in the municipality according to the U.S. Census Bureau’s most recent decennial census.
13. **Seasonal Dwelling.** To be considered a seasonal dwelling, a building must meet a minimum of three of the requirements listed below and not be occupied more than 180 days within any calendar year. If the building meets the minimum requirements, then the building would meet the requirements set forth by the State of Maine to be considered a seasonal dwelling for the requirements of the Maine Uniform Building and Energy Code (MUBEC). If a building is considered a seasonal dwelling compliance with the IECC is not required.
  1. The maximum area of the structure shall be limited to 750 sq. ft. of interior space.
  2. There shall be no central heating system installed in the building.
  3. Any heating appliance shall not have a fuel supply attached capable of heating the structure for more than 24 hours.
  4. There shall not be a year round sub surface wastewater system installed.
  5. The electrical service shall be limited to 100 amp. system.
  6. The structure shall be owner occupied.
  7. Any water supply shall be limited to 180 days of use per calendar year.
14. **Third-party inspector (“TPI”).** “TPI” means a person certified by the *Office of State Fire Marshal* to conduct inspections under 30-A M.R.S. §4451, for compliance with these Codes.

#### SECTION 4. APPLICATION OF THE MUBEC

1. The MUBEC must be enforced in a municipality with a population of 4,000 residents or more.
2. A municipality of up to 4,000 residents may not enforce a building code other than the Maine Uniform Building Code, the Maine Uniform Energy Code or the Maine Uniform Building and Energy Code.
3. Effective December 1, 2010, except as provided in 10 M.R.S. §9724(4) and §9725, any ordinance regarding any building code of any political subdivision of the State that is inconsistent with the MUBEC is void, with the following exception: this provision does not apply to any adopted fire & life safety code, fire safety ordinance or any land use ordinance, including Land Use Planning Commission rules.
4. No provisions of the MUBEC shall be construed to prohibit the adoption or enforcement of an ordinance of any political subdivision that sets forth provisions for local enforcement of building codes. Such ordinances may include items such as, permits, fees, boards of appeals and violations.

**SECTION 5. ENFORCEMENT OF MUBEC**

1. Pursuant to 25 M.R.S. §2373, in municipalities with a population over 4,000, enforcement of the provisions of the MUBEC shall be the responsibility of the municipality and shall be accomplished by one or more of the following means the decision of which provision is used is solely the decision of the municipality.
  - A. Building officials. Inspections performed by building officials certified pursuant to 30-A M.R.S. §4451.
  - B. Inspections by virtue of inter-local agreements. Inspections performed by virtue of inter-local agreements with other municipalities, that share the use of building officials, certified in building standards pursuant to 30-A M.R.S. §4451.
  - C. Contractual agreements. Inspections performed by virtue of contractual agreements with one or more municipalities, or county or regional authorities, that share the use of building officials certified in building standards pursuant to 10 M.R.S. §9723.
  - D. Third party inspection by report. Inspections performed and verified by reports from a TPI, certified pursuant to 10 M.R.S. §9723.
  - E. If the municipality does not elect one or more of the four-options listed above, then the applicant shall elect to have an inspection performed by a TPI at their own cost.

**SECTION 6. ELEMENTS OF THE MAINE UNIFORM BUILDING AND ENERGY CODE**

1. This Code consists of a compilation of the following editions of the following codes, which are adopted in whole or in part, in Chapters 3, 4, 5,6 and 7 of these rules.
  - A. The International Building Code (IBC) edition issued for the year 2015.
  - B. The International Existing Building Code (IEBC) edition issued for the year 2015.
  - C. The International Residential Code (IRC) edition issued for the year 2015.
  - D. The International Energy Conservation Code (IECC) edition issued for the year 2015.
  - E. The International Mechanical Code (IMC) edition issued for the year 2015.
  - F. MUBEC Stretch Code (IECC) edition issued for the year 2021.
2. The following standards are also adopted in this Code.
  - A. The American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE) 62.1-2016 (Ventilation for Acceptable Indoor Air Quality), 62.2- 2016 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) and 90.1-2016(Energy Standard for Buildings except Low-Rise Residential Buildings), editions without addenda.

- B. The American Society for Testing and Materials (ASTM), E-1465-08, Standard Practice for Radon Control Options for the Design and Construction of New Low-Rise Residential Buildings.

## **SECTION 7. CODES THAT CONTINUE IN EFFECT IN CONJUNCTION WITH THIS CODE**

1. The following codes, standards, rules and their amendments, listed in this section, shall remain in full force and effect in their entirety and are not affected by the operation of this Code.
  - A. Electrical standards adopted pursuant to 32 M.R.S. §1153-A.
  - B. The plumbing code adopted pursuant to 32 M.R.S. §3403-B.
  - C. Oil and solid fuel burning equipment standards adopted pursuant to 32 M.R.S. §2353.
  - D. Propane and natural gas equipment standards adopted pursuant to 32 M.R.S. §14804.
  - E. Boiler and pressure vessel standards adopted pursuant to 32 M.R.S. §15104-A.
  - F. Elevator standards adopted pursuant to 32 M.R.S. §15206.

## **SECTION 8. THE FOLLOWING MODIFIED CODE REMAINS IN EFFECT**

1. The following code remains in effect, with modifications to resolve conflicts with this code.
  - A. Fire safety codes and standards adopted pursuant to 25 M.R.S. §§ 2452 and 2465.

## **SECTION 9. CERTIFICATION STANDARDS FOR BUILDING OFFICIALS AND THIRD-PARTY INSPECTORS**

1. **Authority to Establish Standards**
  - A. The training and certification committee of the Technical Building Codes and Standards Board shall determine the standards for certifying building officials and third-party inspectors. Standards shall enumerate the knowledge and training required to ensure that building officials and third-party inspectors have the basic understanding needed to apply the MUBEC and the ongoing education needed to stay current with code changes and amendments.
2. **Training and Certification Program**
  - A. The Maine Department of *Public Safety, Office of State Fire Marshal* (“Department”) shall administer the training and certification program in accordance with the standards established in Section 11.1. The Department shall

adopt by rule the certification and recertification standards set by the training and certification committee.

- (1) **Review of Training Content.** The training and certification committee of the Technical Building Codes and Standards Board shall annually review the building standards training and certification program to:
  - (a) Assure the training content meets the needs of code enforcement officers, municipal building officials, and third-party inspectors;
  - (b) Evaluate training materials for consistency with the Maine Uniform Building Code and Energy Code;
  - (c) Confirm that training courses are regularly offered in geographically diverse locations; and
  - (d) Confirm that training for municipal building officials is fully-funded by the State.

## SECTION 10. ADVISORY RULINGS AND TECHNICAL SUPPORT

1. The interpretation and enforcement of this Code are the responsibility of the local municipality. However, the Bureau is available to provide advisory rulings and technical support for the administration of this Code, amendments, conflict resolutions, and interpretations. This support includes but is not limited to:
  - A. **Written request.** Upon written request of any interested person or entity, the Bureau may provide a nonbinding advisory interpretation, pursuant to Title 5 M.R.S. §9001, with respect to the applicability of any statute, rule or code administered by the Bureau, on that person or entity, or the property of that person or entity, or actual state of facts. The written request shall be made on the official Bureau form and shall include the following information.
    - (1) Specific identification of the subject code or codes with a description of the questioned application or perceived conflict.
    - (2) Relevant construction documents to fully illustrate the issue upon which an advisory interpretation is sought.
    - (3) The Bureau may request additional documentation or information required to issue an advisory interpretation or to provide technical support. All requested information shall be provided within 30 days of request, or the request for advisory interpretation or support may be deemed abandoned.
  - B. **Advisory interpretation written.** All advisory interpretations shall be in writing.
  - C. **Advisory interpretations not binding.** An advisory interpretation shall not be binding.

## SECTION 11. PROCEDURE FOR CODE AMENDMENT

The purpose of this section is to establish policies and procedures for submittal, Board review and consideration of all proposed amendments to the MUBEC.

### 1. Policies for the consideration of proposed amendments

- A. Amendments to the MUBEC, submitted by an agency, municipality or county or other interested individual or organization shall be based on one of the following criteria:
  - (1) The amendment is required to address a health, safety or welfare need.
  - (2) The amendment is required to address a specific State policy or statute.
  - (3) The amendment is required for consistency with State or Federal regulations.
  - (4) The amendment is required to address a unique character of the State.
  - (5) The amendment corrects errors and omissions.
- B. Amendments and emergency amendments to the MUBEC, shall conform to the purposes, objectives, requirements and standards prescribed in the statutory authority: 10 M.R.S. §9721, *et seq.*
- C. The Board will accept and consider all other petitions for amendments in accordance with 10 M.R.S. §9721, *et seq.*
- D. The Board shall publicize the MUBEC amendment process in January of each year. Proposed amendments must be received by May 30 to be considered for adoption by December 30. The Board shall review all proposed amendments and file for future rulemaking those proposals approved as submitted or as amended by the Board. Amendments as approved by the Board shall be posted to the public website within 30 days after rulemaking is completed. The Board shall endeavor to ensure that all amendments become effective January 1 of the following year after submission of the proposed amendment to the Board. Emergency amendments shall become immediately effective upon vote of the Board in accordance with 5 M.R.S §8055.
- E. The Board shall consider the action of the model code organizations, including supplements and accumulative supplements, in their consideration of these proposals.

### 2. Procedure for submitting proposed amendments

- A. All proposed amendments shall be submitted in writing to the Board by May 30 on the form provided by the Board.

- B. The Board may refer a proposed amendment to one or more of the Technical Advisory Groups for review and comment prior to Board action in accordance with these rules.
- C. The Board shall act on all proposed amendments received by June 30 of each year and put into place January of the following year. Amendments as approved by the Board shall be posted to the public website within 30 days of adoption at the direction of the Board.
- D. If the proposed amendment is more restrictive than the MUBEC provision, the entity submitting the amendment shall:
  - (1) Identify the types and projected number of small businesses impacted,
  - (2) Estimate the financial impact,
  - (3) Provide a description of any less intrusive or less costly reasonable alternative method of achieving the proposed code amendment, and
  - (4) Attach supporting documentation.

3. **Petition for emergency review**

- A. The Board will accept and consider written petitions for emergency amendments to the MUBEC at any time, in accordance with 10 M.R.S. §9721, *et seq.* Emergency amendment means any proposed amendment, the adoption of which is immediately necessary in order to protect health, safety, and welfare of building occupants; preserve the structural integrity of buildings built in accordance with the MUBEC, and to correct errors and omissions that in the opinion of the Board need to be immediately rectified and addressed. Emergency amendments require a 2/3 vote by the Board of members present and voting. Emergency amendments to the MUBEC, must be adopted in accordance with the *Maine Administrative Procedure Act*, Title 5, Chapter 375.

4. **Petition for reconsideration**

- A. When the Board denies an amendment to the MUBEC, the party proposing the amendment may file a written petition for reconsideration. The petition must be received by the Board within thirty calendar days of the date of action of the Board. The petition must state specific reasons why the Board should reconsider their decision.
- B. Within ninety calendar days of receipt of a timely petition for reconsideration, the Board shall in writing:
  - (1) Grant the petition for reconsideration and approve the amendment;
  - (2) Deny the petition for reconsideration, giving reasons for the denial; or

(3) Request additional information and extend the time-period for not more than thirty calendar days to either grant or deny the petition for reconsideration.

C. All final Board actions under this section are subject to judicial review under the *Maine Administrative Procedure Act*, Title 5 M.R.S. Chapter 375.

## **SECTION 12. PROCEDURES FOR IDENTIFYING AND RESOLVING CONFLICTS BETWEEN THIS CODE AND THE FIRE SAFETY CODES AND STANDARDS**

1. Notification shall be made to the authority or authorities having jurisdiction over the code or standard that is in conflict with these Codes, and a request for submission of proposed solutions for such conflicts.
2. **Conflict resolution.** The following procedures shall be employed by the Board for consideration of proposed solutions submitted for provisions that are in conflict with these Codes. The Board shall also consider new approaches to resolving conflicts.
  - A. Identify and indicate the codes in conflict, the edition, chapter, section, and sub-sections as appropriate of the codes.
  - B. Provide a narrative of the code provisions which indicate the intent of each section and provide a description of the conflicting provisions.
  - C. Compare the provisions in respect to health, safety and welfare of building occupants, establish by a quorum of Board members present and voting, whether the provision found within the MUBEC provides a level of health, safety and welfare that is more stringent or less stringent than the provision of the code identified as “in conflict” with these Codes.
  - D. If the provision of the code identified as “in conflict” with these Codes is found to provide a level of health, safety and welfare that is less stringent, the Board members shall review the provision in respect to its conformance with “industry standards.” If the provision of the code identified as “in conflict” is found to be less stringent than the industry standard, it shall not be adopted in place of the provision of these Codes.
  - E. If the provision of the code identified as “in conflict” is found to be more stringent than “industry standards,” the current provision of the MUBEC, shall remain.
  - F. If the provision of the code identified as “in conflict” with these Codes is found to provide a level of health, safety, and welfare that is more stringent, the Board members shall consider the financial impact of the improved health, safety and welfare provision. If the cost of complying with the provision of the code identified as “in conflict” is found to be equal to or less than that of the provision of the MUBEC, the more stringent provision shall be adopted in place of the provision of the MUBEC.

- G. If the cost of the code provision identified as “in conflict” is found to be greater than that of the MUBEC, the Board members will determine if the provision identified as “in conflict” “significantly influences health, safety, and welfare in the State.” If the Board members find the provision identified as “in conflict” does significantly influence health, safety and welfare in the State it shall be adopted. If the Board members find the provision identified as “in conflict” does not significantly influence health, safety, and welfare, it shall not be adopted in place of the provision of the MUBEC.
  - H. A record of the deliberations shall be recorded, dated, and signed by the Board Secretary.
- 3. Publication of resolution of the conflict shall be made, within 30 days of adoption, on the Bureau’s webpage.

### **SECTION 13. EXPERIMENTAL BUILDINGS**

- 1. These Codes shall not limit the use of non-traditional or experimental construction, including, but not limited to straw bale and earth berm construction. However, construction must adhere to the provisions of these Codes.

### **SECTION 14. NATIVE LUMBER**

- 1. These Codes shall not limit the use of building materials from local sawmills including, but not limited to non-graded lumber. However, the materials must be of sufficient quality to be adequate for the purpose intended and must adhere to the provisions of these Codes.

### **SECTION 15. COPIES OF THE FOLLOWING CODES MAY BE PURCHASED FROM:**

- 1. The International Building Code (IBC), 2015 edition.  
500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
Washington, DC 20001  
1-888-ICC-SAFE (422-7233)
- 2. The International Existing Building Code (IEBC), 2015 edition.  
500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
Washington, DC 20001  
1-888-ICC-SAFE (422-7233)
- 3. The International Residential Code (IRC), 2015 edition.  
500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
Washington, DC 20001  
1-888-ICC-SAFE (422-7233)

4. The International Energy Conservation Code (IECC), ~~2009~~15 edition.  
500 New Jersey Avenue, NW, 6<sup>th</sup> Floor  
Washington, DC 20001  
1-888-ICC-SAFE (422-7233)
  5. The ASHRAE Standards 62.1-2013 6, 62.2-2013 6 and 90.1-2013 6; editions without addenda.  
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**STATUTORY AUTHORITY:**

10 M.R.S. §9722

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**AMENDED:**

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May 10, 2021 – filing 2021-094 (EMERGENCY)

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