08 MAINE OFFICE OF COMMUNITY AFFAIRS

003 BUILDING CODES AND STANDARDS

Chapter 2: MAINE UNIFORM BUILDING AND ENERGY CODE - ADMINISTRATIVE PROCEDURES (formerly 16-642 C.M.R. Ch. 1)

SUMMARY: All building construction within the State of Maine shall be governed by the Maine Uniform Building and Energy Code ("MUBEC"), which is adopted by the Technical Building Codes and Standards Board by rule in Chapters 2 through ~~8~~9 pursuant to Title 10 M.R.S §9721, *et seq*.

These rules set forth the requirement of certain municipalities to enforce the MUBEC, the methods by which municipalities may accomplish building inspections, the deadlines for municipalities to begin enforcing the MUBEC, 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.

SECTION 1. PURPOSE AND SCOPE

The Maine Technical Building Codes and Standards Board established pursuant to Title 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 Title 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 the MUBEC. The MUBEC is 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.

~~EFFECTIVE DATE: The effective date of this Chapter is 90 days after approval by the Commissioner of the Department of Public Safety.~~

SECTION 1.A EFFECTIVE DATE

This routine technical rule chapter goes into effect ninety (90) days after the approved filing with the Maine Office of the Secretary of State.

SECTION 2. AUTHORITY

The authority for this Chapter is Title 10 M.R.S. §9721 *et seq*., which provides that the Maine Office of Community Affairs shall promulgate rules which adopt, amend, and maintain the MUBEC, to resolve conflicts between the MUBEC and the various codes and standards that are incorporated and comprise the MUBEC, 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. **Applicant**. "Applicant" means the owner or authorized agent or legal entity proposing the construction project.

3. **Board**. "Board" means the Technical Building Codes and Standards Board established in Title 5 M.R.S. §12004-G, subsection 5-A.

4. **Building official**. "Building official" means a building official or officer charged with the administration and enforcement of the MUBEC and includes a codes enforcement officer appointed pursuant to Title 25 M.R.S. §2351-A.

5. **Bureau**. "Bureau" means the *Division of Building Codes and Standards*.

6. **Department.** "Department" means the *Maine Office of Community Affairs.*

7. **Energy Code. "**Energy Code" means the edition of the IECC, as amended, listed under Section 6 herein.

8. **Industry Standards.** "Industry Standards" means the current, common best practice as determined by the Board.

9. **MUBEC**. "MUBEC" means the Maine Uniform Building and Energy Code adopted pursuant to Title 10 M.R.S. §9721, *et seq*.

10. **MUBEC Stretch Code**. "MUBEC Stretch Code" means an alternative 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, Title 10 M.R.S. §9721, *et seq*.

11. **Model codes**. "Model codes" means the codes developed by the model code organizations and adopted by reference in Title 10 M.R.S. §9721, *et seq.*

12. **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.

13. **Municipality**. "Municipality" means any city, town, plantation or municipal village corporation within the State.

14. **Population**. "Population" means the number of residents living in the municipality according to the U.S. Census Bureau's most recent decennial census.

15. **Seasonal Dwelling**. "Seasonal dwelling" means a detached residential building, that is occupied for less than 180 days within any calendar year, has no permanently installed heating or cooling system that allows the dwelling to be heated or cooled during periods of vacancy, and has no year-round pressurized water service. If a building is considered a seasonal dwelling, compliance with the IECC is not required.

16. **Third-party inspector ("TPI")**. "TPI" means a person certified by the *Maine Office of Community Affairs* to conduct inspections under Title 25 M.R.S. §§ 2353-A and 2371 *et seq.* for compliance with the MUBEC.

SECTION 4. APPLICATION OF THE MUBEC

1. The MUBEC applies to all buildings constructed or renovated in Maine regardless of municipal population. The MUBEC must be enforced in a municipality with a population of 4,000 residents or more. If the population is under 4,000, the municipality may choose to enforce the MUBEC.

2. No municipality shall enforce a building code other than the ~~Maine Uniform Building and Energy Code~~ MUBEC.

3. Effective December 1, 2010, except as provided in Title 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.~~ No provisions of the MUBEC shall be construed to prohibit the adoption or enforcement of an ordinance by any political subdivision that sets forth provisions for local enforcement of unspecified components of the MUBEC such as permits, fees, board of appeals and violations.

5. A municipality may choose to adopt the MUBEC Stretch Code, Energy Code Appendix NA, and if so, it shall be enforced in addition to the base energy code (Chapter 7 of these rules) in its entirety as the minimum energy code for that municipality.

SECTION 5. ENFORCEMENT OF MUBEC

1. Pursuant to Title 25 M.R.S. §2373, in municipalities with a population of 4,000 or more, 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 Title 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 Title 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 Title 10 M.R.S. §9723.

   D. Third party inspection by report. Inspections performed and verified by reports from a TPI, certified pursuant to Title 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. COMPONENTS OF THE MAINE UNIFORM BUILDING AND ENERGY CODE

1. The MUBEC consists of a compilation of the following editions of the following codes, which are adopted in whole or in part, in Chapters 4, 5, 6, 7~~ and 8~~, 8 and 9 of these rules.

   A. The International Building Code (IBC) edition issued for the year 2021 published by the International Code Council subject to Maine amendments contained in Chapter 4 of these rules.

   B. The International Existing Building Code (IEBC) edition issued for the year 2021 published by the International Code Council subject to Maine amendments contained in Chapter 5 of these rules.

   C. The International Residential Code (IRC) edition issued for the year 2021 published by the International Code Council subject to Maine amendments contained in Chapter 6 of these rules.

   D. The International Energy Conservation Code (IECC) edition issued for the year 2021 published by the International Code Council subject to Maine amendments contained in Chapter 7 of these rules.

   E. The International Mechanical Code (IMC) edition issued for the year 2021 published by the International Code Council and the Standard 62.1 – Ventilation and Acceptable Indoor Air Quality by the American Society of Heating, Refrigerating and Air-Conditioning Engineers subject to Maine amendments contained in Chapter 8 of these rules.

   F. ~~MUBEC Stretch Code (IECC) edition issued for the year 2021 published by the International Code Council subject to Maine amendments contained in the Appendix of Chapter 7 of these rules.~~ The Standard 62.2 – Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings by the American Society of Heating, Refrigerating and Air-Conditioning Engineers subject to Maine amendments contained in Chapter 9 of these rules.

   G. MUBEC Stretch Code contained in the Appendix of Chapter 7 of these rules (IECC) edition issued for the year 2021 published by the International Code Council subject to Maine amendments.

2. The following standards are also adopted in the MUBEC.

   A. Ventilation for Acceptable Indoor Air Quality 62.1 edition issued for the year 2019 published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE), without addenda.

   B. Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings 62.2 edition issued for the year 2019 published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE), without addenda.
      1. Per Sec. 3. 10 MRSA §9722, sub-§6, ¶Q, an alternative pathway compliance with ASHRAE Standard 62.2 is the Canadian Standards Association Standard for Residential Mechanical Ventilation Systems, CAN/CSA-F326-M91.

   C. Energy Standard for Buildings except Low-Rise Residential Buildings 90.1 edition issued for the year 2019 published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Standards (ASHRAE), without addenda.

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

SECTION 7. CODES THAT CONTINUE IN EFFECT IN CONJUNCTION WITH THE MUBEC

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 the MUBEC.

   A. Electrical standards adopted pursuant to Title 32 M.R.S. §1153-A.

   B. The plumbing code adopted pursuant to Title 32 M.R.S. §3403-B.

   C. Oil and solid fuel burning equipment standards adopted pursuant to Title 32 M.R.S. §2353.

   D. Propane and natural gas equipment standards adopted pursuant to Title 32 M.R.S. §14804.

   E. Boiler and pressure vessel standards adopted pursuant to Title 32 M.R.S. §15104-A.

   F. Elevator standards adopted pursuant to Title 32 M.R.S. §15206.

SECTION 8. THE FOLLOWING MODIFIED CODES REMAIN IN EFFECT

1. The following codes remain in effect, with modifications to resolve conflicts with the MUBEC.

   A. Fire safety codes and standards adopted pursuant to Title 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. Additional Third-Party Inspector certification requirements are established in Chapter 3.

2. **Training and Certification Program**

   A. The Maine Office of Community Affairs ("Department") shall administer the training and certification program in accordance with the standards established in Section 9.1 of this chapter. 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 MUBEC;

(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 the MUBEC are the responsibility of the local municipality. However, the Bureau is available to provide advisory rulings and technical support for the administration of the MUBEC, 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: Title 10 M.R.S. §9721, *et seq*.

C. The Board will accept and consider all other petitions for amendments in accordance with Title 10 M.R.S. §9721, *et seq*.

D. 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. Emergency amendments shall become immediately effective upon vote of the Board in accordance with Title 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 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. The Board will use the decision tree process in consideration of proposed amendments. Amendments and/or conflicts 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) Provide an estimate of the financial impact,

(3) Describe 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 Title 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 THE MUBEC 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 the MUBEC. The notice shall include a request for proposed solutions for such conflicts.

2. **Conflict resolution**. The following procedures may be employed by the Board for consideration of proposed solutions submitted to resolve conflicts within the components that comprise the MUBEC. The Board may also consider other approaches to resolving conflicts. The following process has been outlined in the MUBEC Board's "decision tree" utilizing items A-H:

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 conflicting provisions with respect to their impact on the health, safety and welfare of building occupants. The Board shall determine which provision is more stringent.

D. If the provision of the code identified as "in conflict" with the MUBEC 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 as it exists in MUBEC.

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 the MUBEC 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 Chair.

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. The MUBEC 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 the MUBEC. Compliance with the MUBEC shall be confirmed by an appropriate design professional, where applicable under State law.

SECTION 14. NATIVE LUMBER

1. The MUBEC 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 construction purpose intended and must adhere to the provisions of the MUBEC. This must be confirmed by an appropriately certified individual.

SECTION 15. REFRIGERANTS

1. Installation or use of certain refrigeration or air conditioning products or equipment. Notwithstanding subsection 5, paragraph A or any other provision of Title 10 Part 14 Chapter 1103 to the contrary, a municipality may not adopt or enforce any provision of a building code, including 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 Title 10 §9724 subsection 7, "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.

STATUTORY AUTHORITY:
Title 10 M.R.S. §9721 *et seq*.

EFFECTIVE DATE:
October 11, 2010 – filing 2010-466

AMENDED:
January 23, 2018 – filing 2018-006
May 10, 2021 – filing 2021-094 (EMERGENCY)
August 26, 2021 – filing 2021-168
March 4, 2025 – filing 2025-042

APAO WORD VERSION CONVERSION (IF NEEDED) AND ACCESSIBILITY CHECK: July 18, 2025

APAO ACCESSIBILITY CHECK: July 31, 2025

TRANSFER OF AUTHORITY TO ADMINISTER AND ENFORCE RULE: The authority to administer and enforce this rule (formerly 16-642 C.M.R. Ch. 1) was transferred to the Maine Office of Community Affairs on September 24, 2025 pursuant to PL 2025, c. 388.