**08 MAINE OFFICE OF COMMUNITY AFFAIRS**

**003 BUILDING CODES AND STANDARDS**

**Chapter 4: MAINE UNIFORM BUILDING AND ENERGY CODE - COMMERCIAL BUILDING CODE ~~OF MAINE~~ (formerly 16-642 C.M.R. Ch. 3)**

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**SUMMARY:** This chapter establishes the Commercial Building Code component of the Maine Uniform Building and Energy Code "MUBEC." The provisions of this chapter are based on a nationally recognized model building code published by the International Code Council, Inc., and is made part of the MUBEC through incorporation by reference. This chapter also contains requirements for the enforcement of the Statewide Commercial Building code by local building officials.

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## SECTION 1. PURPOSE AND SCOPE

All building construction within the State of Maine shall be governed by the MUBEC. The MUBEC is adopted by the Technical Building Codes and Standards Board pursuant to Title 10 M.R.S. Chapter 1103. The primary objective of the Board is to establish a uniform building code throughout the State of Maine.

This chapter sets forth the standards for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building or structure, with the exception of detached one and two-family dwellings and townhouses.

~~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. §9722, which provides that the Maine Technical Building Codes and Standards Board shall promulgate rules which adopt, amend, and maintain the Maine Uniform Building and Energy Code.

## SECTION 3. DEFINITIONS

1. **IBC**. "IBC" means the 2021 International Building Code, published by the International Code Council, Inc.

2. **ICC**. : "ICC" means International Code Council, the company that publishes the model codes. ~~**NFPA**. "NFPA" means The National Fire Protection Association.~~

3. **MUBEC**. "MUBEC" means the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S. §9271 *et seq.*

4. **NFPA**. "NFPA" means The National Fire Protection Association. ~~**Technical Building Codes and Standards Board**. "Technical Building Codes and Standards Board" means the board established pursuant to Title 5 M.R.S. §12004-G, subsection 5-A and Title 10 M.R.S. §9722.~~

5. **Technical Building Codes and Standards Board**. "Technical Building Codes and Standards Board" means the board established pursuant to Title 5 M.R.S. §12004-G, subsection 5-A and Title 10 M.R.S. §9722.

## SECTION 4. INCORPORATION BY REFERENCE

1. The 2021 International Building Code has been adopted as the "Commercial Building Code" and shall set the requirements for all new construction of commercial and multifamily structures as specified in this code.

A~~1~~. The following Chapters of the ~~2021 International Building Code~~ IBC~~, published by the International Code Council, Inc.,~~ are hereby adopted and incorporated by reference:

i~~A~~. Chapters 1 –28
ii~~B~~. Chapters 30 – 33
iii~~C~~. Chapter 35
iv~~D~~. Appendix C
v~~E~~. Appendix O

B~~2~~. The following Chapters and appendices of the IBC are specifically excluded from adoption:

i~~A~~. Chapter 29 PLUMBING SYSTEMS
ii.~~B~~. Appendix A - *B, D* – N

## SECTION 5. REVISIONS TO THE IBC

The following additions, insertions, deletions, and other changes are hereby made to the 2021 International Building Code:

1. Section 101.1

***Delete*** [NAME OF JURISDICTION]; *and*
***Insert*** "State of Maine" in its place.

2. Generally all sections

***Delete*** all references to "International Fuel Gas Code"; *and*
***Insert*** "NFPA 54 National Fuel Gas Code; Fire codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465; and the Maine Fuel Board Rules and codes and standards adopted pursuant to Title 32 Chapter 139" in its place.

3. Generally all sections

***Delete*** all references to "International Plumbing Code"; *and*
***Insert*** "Maine State Plumbing Code, adopted pursuant to Title 32, M.R.S §3404-B" in its place.

4. Generally all sections

***Delete*** all references to "International Private Sewage Disposal Codes"; *and*
***Insert*** "Maine Subsurface Wastewater Disposal Rules, adopted pursuant to Title 32, M.R.S §4906-A and Title 22 §42" in its place.

5. Generally all sections

***Delete*** "International Property Maintenance"; *and*

***Insert*** "NFPA 1; Fire codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465" in its place.

6. Generally all sections

***Delete*** all references to "International Fire Code"; *and*
***Insert*** "NFPA 1; Fire codes and standards adopted pursuant to Title 25 M.R.S. §§ 2452 and 2465" in its place.

7. Generally all sections

***Insert*** "All references in the Commercial Construction Code to the ASME A17.1, CSA B44, ASME A18.1 and ASME A90.1 shall be in accordance with the amendments adopted by the Maine Elevator and Tramway Safety Program."

~~7~~8. Section 101.4.2

***Insert*** (after "International Mechanical Code") "and NFPA 54 National Fuel Gas Code; Fire codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465; and the Maine Fuel Board Rules."

~~8~~9. Section 102.1

***Insert*** (at the end of the paragraph) "No provisions of the MUBEC shall be construed to prohibit the adoption or enforcement of an ordinance ~~of~~ by any political subdivision that sets forth provisions for local enforcement of ~~building codes e.g. zoning, comprehensive plan and similar ordinances. Such ordinances may include items such as, permits, permit fees, boards of appeals and violations.~~ unspecified components of the MUBEC such as permits, fees, board of appeals and violations."

~~9~~10. Section 102.4.1

***Delete*** Section 102.4.1 in its entirety, without substitution.

1~~0~~1. Section 102.4.2

***Delete*** Section 102.4.2 in its entirety, without substitution.

1~~1~~2. Section 103

***Delete*** Section 103 "Department of Building Safety" in its entirety, without substitution.

1~~2~~3. Section 104.8

***Delete*** all language in Section 104.8; *and*
***Insert*** "14 MRSA §8101" in its place.

1~~3~~4. Section 105.1

***Insert*** (at the end of the last sentence in the paragraph) "where required by municipal ordinance"

1~~4~~5. Section 105.2

***Insert*** (at the end of the paragraph) "Structures exempt from permits shall be located and constructed in compliance with zoning and floodplain regulations"

1~~5~~6. Section 109

***Delete*** Section 109 “Fees” in its entirety, without substitution.

16~~7~~. Section 113

***Delete*** Section 113 “Means of Appeals” in its entirety, without substitution.

17~~8~~. Section 114

***Delete*** Section 114 “Violations” in its entirety, without substitution.

18~~9~~. Section 202 Definitions - REGISTERED DESIGN PROFESSIONAL

***Delete*** “state or jurisdiction in which the project is to be constructed.” *and*
***Insert*** “State of Maine, pursuant to Title 32, Chapter 3-A, Subchapter 2, §220.1 and/or Title 32, Chapter 19, Subchapter 3, §1351.”

~~19~~20. Section 308.2.3

***Delete*** All language in section 308.2.3; *and*
***Insert*** “NFPA 101 Chapter 16; Life Safety codes and standards adopted pursuant to Title 25 M.R.S. §§ 2452 and 2465.”

20~~1~~. Section 308.5

***Delete*** All language in section 308.5; *and*
***Insert*** “NFPA 101 Chapter 16; Life Safety codes and standards adopted pursuant to Title 25 M.R.S. §§ 2452 and 2465.”

21~~2~~. Section 308.5.1

***Delete*** “A child day care facility that provides care for more than five but not more than 100 children 2 ½ years or less of age”; *and*
***Insert*** “NFPA 101; Life Safety codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465 for daycare facilities.” in its place.

22~~3~~. Section 308.5.2

***Delete*** Section 308.5.2 and the exceptions thereto, in its entirety, without substitution.

23~~4~~. Section 404.6

***Delete*** all language in Section 404.6; *and*
***Insert*** “NFPA 101 Chapter 8.6.7; Life Safety codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465” in its place.

24~~5~~. Section 509.4.2.1

***Delete*** all language in Section 509.4.2.1; *and*
***Insert*** “As allowable and defined per NFPA 101 Chapter 9.7.1.2 adopted pursuant to Title 25 M.R.S §§ 2452 and 2465” in its place.

25~~6~~. Section 716.2.6.2

***Insert*** a new Section 716.2.6.2.1 to read: “Every door assembly in a stair enclosure serving more than four (4) stories shall permit re-entry from the enclosure to the interior of the building. **Exception:** An

automatic release that is actuated with the initiation of the building fire alarm or fire detection system shall be provided to unlock all stair enclosure door assemblies to allow re-entry."

2~~6~~7. Section 903.2.1.2

***Delete*** "100"; *and*
***Insert*** "300"

2~~7~~8. Section 903.2.8

***Insert*** after section language in Sec. 903.2.8 **"**Exception: An automatic sprinkler system shall not be required in Group R-2 and R-3 occupancies if all of the following conditions are met:

1. Building area shall be limited to 600 square feet
2. Building shall be limited to a single story and not include a basement, loft, or mezzanine.
3. Occupancy is limited to 12 occupants or less
4. All sleeping areas shall have a minimum of one exit directly at grade as well as one additional compliant means of escape
5. Equipment requiring fuel combustion, including, but not limited to, heating and cooking equipment, shall not be allowed.
6. Sleeping area shall not be part of a mixed occupancy
7. Buildings of this type shall be located at least 10 feet away from the nearest structure or building governed by this code.
8. Occupancy limits per code shall be posted at the door of the structure."

2~~8~~9. Section 903.3.1

***Insert*** (at the end of the first sentence) "and any other adopted standard of the Office of the State Fire Marshal and in accordance with the sprinkler rules in the Office of the State Fire Marshal fire sprinkler technical policy"

~~29~~30. Section 903.3.1.2

***Delete*** all language from Section 903.3.1.2 - NFPA 13R sprinkler systems, not including Sections 903.3.1.2.1 through 903.3.1.2.3; *and*
***Insert*** "Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18,288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R.
The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from the horizontal assembly creating separate buildings." in its place.

3~~0~~1. Section 1004.5, Exception

***Insert*** (after "design occupant load.") "This exception does not apply to egress elements and is for plumbing fixture count purposes only."

3~~1~~2. Section 1005.1

***Insert*** (within the paragraph; after) "The means of egress width shall not be less than required by this section. The total width of means of egress in inches (mm) shall not be less than the total occupant load served by the means of egress multiplied by 0.3 inches (7.61mm) per occupant for stairways.

**Exception**: Board and Care 0.4; Health Care - Sprinkled 0.3; Health Care Non-sprinkled 0.6."

3~~2~~3. Section 1005.3.1 Stairways

Exception 1:

***Delete*** "egress capacity factor of 0.2 inch (5.1 mm) per occupant"; *and*
***Insert*** "egress capacity factor of 0.3 inch (7.6mm) per occupant pursuant to NFPA 101 Table 7.3.3.1 adopted Life Safety codes and standards Title 25 M.R.S §§ 2452 and 2465" in its place.

3~~3~~4. Section 1005.3.1 Stairways

Exception 2:

***Delete*** "Table 1030.6.2"; *and*
***Insert*** "pursuant to NFPA 101 Table 12.4.2.3 adopted Life Safety codes and standards Title 25 M.R.S §§ 2452 and 2465" in its place.

3~~4~~5. 1005.3.1 Stairways

Exception 3:

***Delete*** "Section 1030.6.2"; *and*
***Insert*** "pursuant to NFPA 101 Table 12.4.2.3 adopted Life Safety codes and standards Title 25 M.R.S §§ 2452 and 2465" in its place.

***Delete*** *"Table 1030.6."; and*
***Insert*** "NFPA 101 Table 12.4.2.3 pursuant to Title 25 M.R.S §§ 2452 and 2465" in its place.

3~~5~~6. Section 1010.2.11

***Insert*** (within the first paragraph, after "except group H") "and group E"

3~~6~~7. Section 1010.2.12

***Insert*** (within the first paragraph, after "except group H") "and group E"

38. Section 1014.7

***Delete*** "1 ½ inches (38 mm)"; and
***Insert*** "2 ¼ inches (57 mm)" in its place.

~~37~~39. Section 1017.2 Table

***Delete*** Table 1017.2**;** *and*
***Insert*** "NFPA 101-2018 Table A7.6; *Life Safety codes and standards adopted pursuant to Title 25 M.R.S §§ 2452 and 2465"* in its place.

~~38~~40. Section 1031.3.1

***Delete*** "**Exception:** The minimum net clear opening for grade-floor *emergency escape and rescue openings* shall be 5 square feet (0.46 $m^2$)."

~~39~~41. Section 1031.5.1

***Insert*** (at the end of the first sentence) "the means of escape shall be continuously maintained free of all obstructions or impediments to full use in case of fire or other emergency."

4~~0~~2. Section 1208.4 Efficiency dwelling units.

***Delete*** from item 1 "190 square feet (17.7 $m^2$)"; *and*
***Insert*** "160 square feet (14.9 $m^2$)" in its place.

~~4~~13. Section 2801.1

***Insert*** (before "Chapter 21" reference) ", ASHRAE 62.1 2019 edition and"

44. Section 3006.2

***Delete*** Section 3006.2 in its entirety, without substitution.

*45.* Section 3006.2.1

***Delete*** Section 3006.2.1 in its entirety, without substitution.

~~4~~26. Section 3109.1

***Delete*** Section 3109.1; *and*
***Insert*** "*Public Pools and Spas pursuant to Title 22 M.R.S §2661*" in its place.

~~4~~37. Appendix O, Section O101.6.1

***Delete*** from language "or recognized expert"

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STATUTORY AUTHORITY:
Title 10 M.R.S. §9722

EFFECTIVE DATE:
October 11, 2010 – filing 2010-468

AMENDED:
January 23, 2018 – filing 2018-008
November 14, 2021 – filing 2021-227
March 4, 2025 – filing 2025-044

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. 3) was transferred to the Maine Office of Community Affairs on September 24, 2025 pursuant to PL 2025, c. 388.