



# *The Maine Code News*

*The Newsletter of the Maine Building Officials and Inspectors  
Association, Inc.*

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Winter, 2008

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Welcome to the second edition of the Maine Code News, a publication of the Maine Building Officials and Inspectors Association. I know it's been a while since our last newsletter and that is a reflection more on the scarcity of time rather than the lack of news and events that effect our profession.

There are many exciting, and some say frightening changes being proposed for the Code Enforcement industry. This newsletter will try to bring you up-to-date information on those changes and what your Association is doing in response to these proposals.

In the pages that follow, we will bring you up to speed on what the State of Maine is doing with the question of a mandatory building code, and what other bills are pending before the State Legislature as part of the Second regular session. In addition you will read about and have the opportunity to sign up for several very interesting training sessions our Association is sponsoring. We've even added a little humor.

Please remember that this is your newsletter. Feel free to send articles that might be of interest to your fellow Code Enforcement Officers, even if it takes the form of a war story. I know for a fact that we all have a few of those!

Happy reading

Dick Lambert, VP and Editor of the Maine Code News

## *A Little Bathroom Humor*



If you want to contribute your humor, good story or pictures, send them with information on where the story, picture or other material came from to:

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We prefer that you send any contributions by e-mail so that it is easily reproducible. The

E-mail address is: [dlambert@sacomaine.org](mailto:dlambert@sacomaine.org)

## **A Brief Summary of some 2008 National Electrical Code Changes**

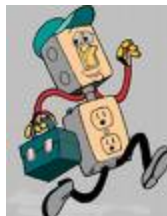
**By Marcel Desrosiers, Electrical Inspector for the City of Saco**

Once again it is time for the National Electric Code to be updated. This year there are many changes that will affect how we wire homes, businesses and industries. There were 3,688 proposed changes to the electrical code and 2,349 public comments processed by the twenty code making panels.

Here are some of the major changes that will affect various wiring procedures.

- 1) Three spaces shall be provided for grounding/bonding for communication, cable, etc. This means it will be the responsibility of the electrician installing the service to provide this grounding means for the low voltage installers.
- 2) Multi-wire branch circuits shall have a means to disconnect both ungrounded conductors. Simply put, handle ties are back.
- 3) Most of the exceptions for ground fault protection are no longer allowed. The single outlet for well pumps, freezers, washers, etc. in an unfinished basement will no longer be allowed.
- 4) Arc-fault breakers will now be required in most rooms in residential dwellings. The only rooms exempt are kitchen, bath and garage.
- 5) Where non-metallic sheath cable is install through bored holes you must de-rate the current carrying capacity of the conductors when there are more than three current carrying conductors passing through the hole.
- 6) Tamper resistant outlets shall be installed in all dwelling unit areas listed in N.E.C. 210.52. Simply put, all outlets installed with few exceptions.
- 7) GFCI protection is now required for all electric drinking fountains.
- 8) Automatic transfer equipment shall have the capacity to supply the full load transferred. This means that if you are installing a transfer system for a 200 amp service, you must have a generator and supporting equipment rated for the full 200 amps.

These are only a few of the many changes for 2008. Some changes have major impact on electrician and consumers. While looking at the financial impact it is also important to try and understand the safety aspects for children and adults. There has been much debate over cost versus safety. When evaluating the necessity of the changes it is important to look at both sides of these changes and weigh the cost against the potential fire safety or individual safety.



Below is a copy of the implementation plan submitted to the Business, Research & Economic Development Committee by the State Planning Office

**RESOLVE 46 BUILDING CODES IMPLEMENTATION PLAN**  
**January 31, 2008**

**Technical Building Codes and Standards Board – Department of Public Safety**

1) Authority and Duties

a. Adoption and maintenance of the Maine Uniform Building and Energy Code (MUBEC)

- i. The MUBEC shall be comprised of the *International Building Code (IBC)*, *International Existing Building Code (IEBC)*, *International Residential Code (IRC)*, *International Energy Conservation Code (IECC)*, the Maine Model Building Energy Code (Title 10 section 1415-C and section 1415-D and associated rules), and the Model Radon Standard for New Residential Construction (Title 25 section 2466 and associated rules).
- ii. The MUBEC will be adopted, amended and maintained by the Technical Building Codes and Standards Board (Board) through minor technical rulemaking following the Maine Administrative Procedures Act.
  1. The Board will reference existing state codes and standards where applicable in Chapter One of the MUBEC.
  2. The Board will maintain an adoption cycle that is coordinated with the State Fire Marshal's adoption cycle and that does not drop more than one model code version cycle (every three years) to ensure that municipal insurance ratings are not adversely affected.
  3. For matters relating to mechanical, electrical, plumbing, elevators or any other aspect of building construction and rehabilitation that does not have a technical representative on the Board, the Board will consult with the appropriate state professional licensing board and/or professional organization.

- iii. The MUBEC will be amended in response to consideration and approval of proposed amendments submitted to the Board.
  - 1. Amendment proposals may be submitted to the Board by municipalities, county, regional or state governmental units, professional trade organizations, and by Maine citizens, following procedures developed by the Board to ensure a consensus based amendment process.
  - 2. All proposed amendments that are more strict than the national minimum standard must include an economic impact statement pursuant to P.L. 2007 Chapter 181.
  - 3. Amendments may be submitted to the Board at any time and the Board will act on them within 90 days.
- b. Proactive resolution of conflicts between state adopted building related codes and standards in the adoption and maintenance of the MUBEC.
  - i. When a conflict between the MUBEC and other state adopted building related codes and standards has been identified by the Board, the authority having jurisdiction will be notified of the conflict and a proposed solution will be requested for submission to the Board.
  - ii. The Board will resolve conflicts by: 1) considering proposed solutions submitted by the authority(s) having jurisdiction; or 2) considering a proposed solution jointly submitted by the applicable authorities having jurisdiction.
  - iii. The Board may consider a new approach to resolving the conflict.
- c. Provide technical support and public outreach for code amendments and interpretations.
  - i. Establish and maintain a website to provide general technical assistance, publish code updates and interpretations, and post training course schedules.
  - ii. Interpretation of MUBEC for professionals and the general public will be provided by the Technical Code Coordinator.
- d. Ensure that training and certification to the MUBEC is readily available, affordable and accessible for municipal building inspectors.
  - i. The Board will establish a five member Training and Certification Committee to establish the training and certification requirements for building inspectors.
  - ii. The Training Coordinator will establish a program through cooperative agreements with national, regional and state

organizations to provide the training required by the Board Training and Certification Committee.

iii. Building inspector certification testing for the MUBEC will be phased into the existing Building Standards certification program administered by the State Planning Office's CEO Training and Certification Program.

iv. If new training and certification requirements recommended by the Training Committee would require training beyond what can be accommodated in a revised curriculum for the existing Building Standards unit, this additional training would be phased-in based on consultation with the SPO CEO Training Program staff and the CEO professional organizations.

2) Board Membership The Board consists of 11 voting members appointed by the Governor. Nominated members must have at least five years experience in the field they are nominated to represent and must be currently employed in that field.

- a. Board Chair: Commissioner of Public Safety or designee (non-voting);
- b. State Fire Marshal or his designee;
- c. Fire Chief nominated by the Maine Fire Chief's Association;
- d. Municipal code enforcement officer from a non-service center town nominated by the Maine Municipal Association;
- e. Municipal code enforcement officer from a service center community nominated by the Maine Service Centers Coalition;
- f. Residential builder with ICC certification for the IRC nominated by the Home Builders and Remodeler's Association of Maine or the Mid-Coast Builders Alliance;
- g. Commercial builder with ICC certification for the IBC and IEBC nominated by Associated General Contractors Maine or Associated Builders and Contractors of Maine;
- h. A registered Maine architect nominated by AIA Maine or the Maine Chapter of the US Green Building Council;
- i. A registered Maine structural engineer nominated by the Structural Engineers Association of Maine;
- j. A registered architect, registered engineer or ICC certified builder with a certificate or degree in Historic Preservation, nominated by the Maine Historic Preservation Commission;
- k. A registered architect, registered engineer or builder, with ICC certification for the IECC, nominated by the State Energy Director;
- l. A professional building access specialist experienced with state and federal accessibility regulations nominated by the Maine Human Rights Commission.

## **Division of Building Codes and Standards – Department of Public Safety, Fire Marshal Office (FMO)**

### **1) Building Codes and Standards Staff**

- a. Technical Code Coordinator (grade 28 architect)
  - i. Duties to include aiding technical board with adoption, maintenance and amendment of MUBEC, interpretation and technical assistance for the MUBEC code, drafting code interpretation statements for publication.
- b. Training Coordinator (grade 22 planner 2)
  - i. Duties to include establishing and administering a building inspector training program utilizing trainers and courses through cooperative agreements with national, regional and state organizations, and providing technical assistance regarding administration of the MUBEC to the public and the Board.
- c. Office Specialist 1 (grade 18 minimum)
  - i. Duties to include administrative support for Board, management of legal notices, generation of briefing documents, assisting Technical Code Coordinator with rulemaking and adoption process, assisting with maintenance and updates to building codes website.

## **Maine Uniform Building and Energy Code Adoption and Implementation Schedule**

April 2008: Maine Uniform Building and Energy Code Act signed into law.

Fall 2008: Technical Building Codes and Standards Board appointed by the Governor and Building Codes and Standards Staff hired by Dept. of Public Safety.

February 2009: ICC releases draft 2009 versions of IBC etc. for review and comment by the public. Board begins review, amendment and adoption process.

June 2009: Maine Uniform Building and Energy Code 2009 version adopted with six month grace period for continued use of existing municipal and state agency adopted building codes.

January 1, 2010: Maine Uniform Building and Energy Code goes into effect statewide, replacing all state and locally adopted versions of building codes.

## **Enforcement of Maine Uniform Building and Energy Code**

### ***Option A: Code enforcement required in towns with over 2000 in population***

- 1) Enforcement in municipalities, pursuant to Title 25 §2351, that have a building inspector.

- a. Revise Title 25 §2351 to reference training and certification requirements to building standards pursuant to Title 30-A §4451.
  - b. Revise Title 25 §2353 and §2354 to add the Maine Uniform Building and Energy Code for inspection of buildings under construction and being repaired.
- 2) Building Inspectors designated by ordinance or law with responsibility to enforce the Maine Uniform Building and Energy Code will do so pursuant to Title 30-A §4452. Enforcement of land use laws and ordinances (as amended).

***Option B: MUBEC applies statewide, local enforcement optional***

Towns choose whether to enforce building and energy codes. Some consumer protection is offered by the fact that codes apply statewide, even if not enforced. About seventy towns in Maine have code enforcement programs, under our current optional enforcement policy.

**Funding: Estimated Annual Cost to Administer MUBEC = \$275,000**

***Option A: Combined REGGI and FMO plan review fee surcharge***

- 1) Allocate approximately \$150,000 from REGGI funds (P.L. 2007 Chapter 317) to support adoption, training and technical assistance for the Maine Energy Code.
- 2) Increase State Fire Marshal plan review fees by \$.02 per square foot to raise approximately \$125,000.

***Option B: Add a State Surcharge to Local Building Permit Fees***

State surcharge on building permits based on cost of construction to fund MUBEC adoption, maintenance, technical assistance, and training.

- 1) IBC, IEBC, IECC (Commercial / Public)
  - a. \$10 for permits up to \$50,000
  - b. \$20 for permits up to \$200,000
  - c. \$50 for permits up to \$1,000,000
  - d. \$100 for permits over \$1,000,000
- 2) IRC, IEBC, IECC (Residential)
  - a. \$5 for permits up to \$10,000
  - b. \$10 for permits up to \$100,000
  - c. \$20 for permits up to \$500,000
  - d. \$50 for permits over \$500,000

***Option C: Contractor Licensing Fees***



## **LD'S IN THE HOPPER THAT WE ARE WATCHING**

### **LD 2160 An Act To Protect Shellfish Waters and Shellfish Resources from Coastal Pollution**

#### **SUMMARY**

This bill requires a person transferring property containing a subsurface waste water disposal system in a coastal shoreland area to provide the transferee with certification that the system has been inspected within the last 3 years or that it is impossible to perform an inspection prior to the transfer. If the system has been inspected and found to be malfunctioning, the system must be repaired prior to the transfer or the repair must be a condition of sale. If it is impossible to inspect the system prior to the transfer, the system must be inspected and, if malfunctioning, repaired within 1 year after the transfer. The bill retains the current notification requirements for property transferred in freshwater shoreland areas.

The bill creates a process for coordinating resolution of water quality problems related to subsurface waste water disposal systems in shellfish harvesting areas, including notification, inspection and abatement order requirements. The bill also requires the Department of Health and Human Services in coordination with the Department of Marine Resources and the Department of Environmental Protection to adopt routine technical rules establishing requirements for the certification of individuals to inspect subsurface waste water disposal systems. The bill also requires the Department of Health and Human Services, the Department of Environmental Protection, the Department of Marine Resources and the Executive Department, State Planning Office to jointly develop recommendations on strategies to further abate water quality problems that affect shellfish harvesting and recreational uses of waters and that are the result of malfunctioning subsurface waste water disposal systems or licensed overboard discharge systems.

*The Committee on Natural Resources held a public hearing on this bill February 7<sup>th</sup> and has not been reported out.*

### **LD 2179 An Act To Promote Residential and Commercial Energy Conservation**

#### **SUMMARY**

This bill establishes a system for the regulation and inspection of building energy standards. It also creates a tax credit for homes certified as United States Environmental Protection Agency's Energy Star program qualified homes and creates a high-performance building standard incentive.

*The bill was referred to the Committee on Business, Research & Economic Development with the public hearing date yet to be scheduled.*



## UPCOMING MEETINGS OF MBOIA

February 21, 2008                      Maine Plumbing Code Seminar—two sessions am or pm  
Biddeford Middle School  
25 Tiger Drive, Biddeford

Click here for application: <http://www.mboia.org/pdf/Feb2008AttendeeForm.pdf>

March 27, 2008                              Spring Meeting                      9 am Board Meeting, 10 am  
Membership Meeting

Dunstan School Restaurant  
591 U.S. Route 1  
Scarborough

April 6<sup>th</sup> – 9<sup>th</sup>, 2008                      Eastern States Building Officials Federation Conference  
The Sturbridge Host Hotel  
Sturbridge, MA

Click here for Registration: <http://www.mboia.org/pdf/711010%20-%20Registration%20form.pdf>

Click here for information: <http://www.mboia.org/pdf/711010%20-%20Eastern%20MA%20Builders%204%20pg..pdf>

Click here for hotel reservation form: <http://www.mboia.org/pdf/711010%20-%20Hotel%20Reservation%20form.pdf>

April 16-17, 2008                      Women in Construction Expo, Augusta Civic Center  
Augusta, ME

June 12, 2008                              Summer Meeting, Location to be determined

September 11, 2008                      Fall Meeting, Spring Meadows Country Club, Gray

September 14-22, 2008                      ICC Annual Conference, Minneapolis Convention Center  
Minneapolis, MN

October 5-11, 2008  
Conference                              North East Building Officials Education Committee  
University of Massachusetts  
Amherst, MA

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Dear MBOIA Membership,

Have you ever noticed that as we get older, time seems to go by much quicker? I have been reminded that life is like a roll of bathroom tissue; the closer you get to the end, the quicker it goes. I don't know about getting closer to the end but I find myself struggling to keep up with the day-to-day duties of a municipal Code Enforcement Officer. There just doesn't seem to be enough time in the day to do everything that is asked. Yet, as I know is the case with most of you, we get it done one way or another. And what is the result of all this hard work, late nights and endless meetings? NOTHING HAPPENS! That's right. If we do our jobs properly and the codes are applied as they were meant to be, nothing happens. People go into their homes knowing that they are safe from collapse, that the plumbing system will give them hot water on demand and will carry away all the wastewater in a sanitary manner and that when they plug the toaster in, they will not be hurt by faulty wiring. And if, by chance, something did happen to start a fire, the smoke detectors will function properly and will warn them to exit the building.

The same holds true for public and commercial buildings where people work, worship and recreate. Exit and emergency lighting will function properly, elevators will safely transport people to other floors and sprinklers will function properly. These are all things that are taken for granted. You must always realize that what you do on a day-to-day basis protects and saves people's lives. If we do our job properly, nothing happens.

Keep up the Good Work!

Tim Nelson, President

MBOIA