

**Chapter 2: MAINE UNIFORM BUILDING AND ENERGY CODE - THIRD PARTY INSPECTORS (“TPI”)**

**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 1 through 7 pursuant to 10 M.R.S Chapter 1103, §9721, *et seq.* The primary objective of the Board is to establish a uniform building code throughout the State of Maine.

These rules set forth the methods by which municipalities and MUBEC certified Code Officials may utilize a Third Party Inspector (TPI) as an option for the enforcement of the MUBEC, the role of a TPI and the work product requirements for the TPI.

---

**SECTION 1. PURPOSE AND SCOPE**

A municipality or Applicant may choose to engage a Third-Party Inspector (TPI) to review Construction Documents and inspect construction to ensure compliance with certain components of the MUBEC. In order to perform the duties enumerated in this rule for compensation, a TPI must be certified by the Maine Department of Public Safety, Office of State Fire Marshal. The specific inspection services under Title 30-A M.R.S. §4451 for compliance with the MUBEC to be provided by the TPI and the level of remuneration shall be defined in a private written agreement signed by the TPI and the municipality, Applicant, or Client.

**SECTION 2. AUTHORITY**

The authority for Third Party Inspectors is found in Title 25 M.R.S. §§ 2353-A and 2371 *et seq.*

TPI authority is limited to the MUBEC certifications only and does not include the authorities of Court Rule 80K, Shoreland Zoning, Land Use, or Local Plumbing Inspector without appointment by a municipality and certification as stated in Title 30-A §4451. Municipalities with a population with fewer than 4,000 are not required to enforce the MUBEC but may formally acknowledge enforcement as outlined in this Chapter.

A TPI may not hold a pecuniary interest, directly or indirectly, in any building for which the TPI issues an inspection report pursuant to Title 25 §2373 and may not serve as a TPI in any municipality where that TPI has been appointed as a building official or code enforcement officer.

**SECTION 3. DEFINITIONS**

1. **Applicant.** The Applicant is the owner or authorized agent or legal entity proposing the construction project.
2. **Area(s) of Certification.** The Area of Certification is the component of the MUBEC in which the TPI has been awarded Certification by the Department of Public Safety. A TPI may hold multiple Areas of Certification.

3. **Certificate of Completion.** The Certificate of Completion is the document issued by the TPI that certifies the Project was completed in compliance with the components of the MUBEC for which the TPI is certified.
4. **Client.** The Client is the person or entity named in the private written agreement as the person or entity responsible for engaging and providing compensation to the TPI.
5. **Construction Documents.** The Construction Documents describe the proposed project and include drawings, plans, technical specifications and any other documents that describe the proposed Project.
6. **Inspection Report.** Every time a TPI visits the Project Site, the TPI shall create an Inspection Report that lists their observations and summarizes any discussions between the TPI and the Applicant, Client or their agent.
7. **MUBEC (also “the Code”).** “MUBEC” means the Maine Uniform Building and Energy Code adopted pursuant to Title 10 M.R.S. §9271, et seq.
8. **Notice of Approval of Construction Documents.** The Notice of Approval of Construction Documents shall be in the form of a letter issued by the TPI to the Applicant, Client, and the municipality.
9. **Project.** The Project is the proposed construction, generally a building, and including the land upon which construction occurs.
10. **Project File.** The Project File shall be created and maintained by the TPI and shall include, at a minimum, documents listed in Section 5.
11. **Third-Party Inspector (TPI).** “TPI” means a person certified by the Office of State Fire Marshal to conduct inspections under Title 30-A M.R.S. §4451, for compliance with the MUBEC.

#### SECTION 4. NOTICE OF APPROVAL OF CONSTRUCTION DOCUMENTS

1. A TPI shall review the Applicant’s or Client’s proposed Construction Documents, compliance with the MUBEC. If the TPI finds the proposed construction complies with the Code, the TPI shall issue a Notice of Approval of Construction Documents. This notice shall list the specific Area(s) of Certification for which the TPI is certified and the components of the MUBEC for which the proposed construction is deemed compliant.

#### SECTION 5. PROJECT FILE

1. A Project File shall be created, maintained and retained by the TPI and a copy provided to the municipality. The Applicant, Client, and municipality shall, at all times, have reasonable access to the Project File.
2. The Project File shall contain the following:
  - A. All written correspondence between the TPI and the Applicant or Client regarding the proposed construction. The inclusion of the private written agreement for services by and between the TPI and Client is voluntary.
  - B. A copy of the Construction Documents.
  - C. A copy of the Notice of Approval of Construction Documents.

- D. A copy of any modifications to the Construction Documents approved by the TPI.
- E. A copy of all Inspection Reports created by the TPI.
- F. A copy of the Certificate of Completion.

## **SECTION 6. INSPECTIONS**

1. The Project shall remain accessible and the work exposed for inspection purposes until approved by the TPI.
2. The TPI, upon notification by the Applicant or the Client, shall make inspections pursuant to Chapter 1 of the applicable component(s) of the MUBEC. Such inspection(s) shall be within the specific Area(s) of Certification for which the TPI is certified.

## **SECTION 7. INSPECTION REPORT**

1. The Inspection Report shall be prepared, dated and signed, by the TPI. The Inspection Report shall include, but not be limited to the following information:
  - A. A general description of each Code item reviewed for compliance.
  - B. A record of any work found to be in noncompliance with the Code and any guidance the TPI offered regarding correcting such work.
  - C. A listing of any work found to be noncompliant shall be described and identified by Code section.
  - D. Documentation that any noncompliant work has been corrected and a description of the corrective work.
  - E. A general description of the stage of the proposed construction that was observed.

## **SECTION 8. PROJECT COMPLETION**

1. When the TPI is notified that construction is complete, the TPI shall conduct a final inspection and create a final inspection report.
2. If, based on the final inspection, the TPI deems components of the project are in compliance with the MUBEC, the TPI shall issue a Certificate of Completion. The Certificate of Completion shall note the TPI's Area(s) of Certification and any other limitations.

3. The TPI shall also present the Certificate of Completion to the municipality who shall acknowledge receipt. The municipality is only acknowledging the work of the TPI and not assuming responsibility for compliance.
4. Municipality is required to accept the Certificate of Completion indicating the work has been finished and shall provide acknowledgement to the applicant. Acknowledgement shall act as Certificate of Occupancy in respect to the MUBEC portion of the project.

STATUTORY AUTHORITY: Title 25 M.R.S. §§ 2353-A and 2371 *et seq.*

EFFECTIVE DATE:

October 11, 2010 – filing 2010-471

AMENDED:

January 23, 2018 – filing 2018-007

March 4, 2025 – filing 2025-043