Comments and Responses to proposed MUBEC Chapters:

Chapter 1: Maine Uniform Building Code – Administrative Procedures

Chapter 6: Maine Uniform Building Code – Energy Code

Comments From:

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Received June 18, 2021

Responses From:

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**Chapter 1:** Maine Uniform Building Code – Administrative Procedures comments:

* Comment: Summary section: The strikeout of MUBC & MUEC seems odd given those acronyms are relevant given the two codes referenced in Public Law Chapter 391(L.D.1509) attached here. Note: These are struck throughout the chapter.  The summary indicates Chapters 1 through 7 with 6 being struck.  Chapter 7 should have a footnote indicating reserved for the adoption of the 2015 IMC pending future rulemaking.
* Response: MUBC and MUEC was struck because it has been determined by a review of the Statutes by the Attorney general’s office that the legislative intent was to have the MUBEC as the only Statewide code.

·       Comment: Section 3 - #8 & #9 should not be removed as they are defined in Public Law Chapter 391(L.D.1509).

* Response: MUBC and MUEC was struck because it has been determined by a review of the Statutes by the Attorney general’s office that the legislative intent was to have the MUBEC as the only Statewide code.

·       Comment: Section 4 - #3 striking “adopt” is inconsistent with Public Law Chapter 391(L.D.1509) Sec. 6. #1-A. as that word remains in the law.

* Response: As the MUBEC has been determined to be the Statewide code municipalities do not need to adopt the code.

·       Comment: Section 4 -#4 – This section seems to be relevant, but it is repetitive given the language in Section 4 - #3.

* Response: As the MUBEC has been determined to be the Statewide code this section is just to clarify that the MUBEC is a Statewide code.

·       Comment: Section 6 #1. – Again, refers to Chapter 7. Chapter 7 should have a footnote indicating the pending rulemaking for the adoption of the 2015 IMC.

* Response: Chapter 7 of the rules is currently open for review and soon to be adopted

·       Comment: Section 6 #2 – Designates the ASHRAE standard to be adopted.  The proposed adoption of the 2016 version of ASHRAE 90.1 is not compatible with IECC 2015 as the alternate pathway for compliance. The 2016 standard is the alternate pathway that when chosen would meet the 2018 IECC provisions.

* Response: This was brought up to the Board and it was decided to stay with the 2016 also since the ASHRAE is now mandatory the requirement to be not too many editions out of compliance becomes and issue.

·       Comment: Section 7 & 8 should not be removed as it defines the options for the small municipalities that may choose to adopt the building and/or energy code.

* Response: As the MUBEC has been determined to be the Statewide code this section is just to clarify that the MUBEC is a Statewide code.

**Chapter 6:** Maine Uniform Building Code – Energy Code comments:

·       Comment: The title strikes “Conservation”, but it remains in the Summary language

* Response: That should be struck from the Summary

·      Comment: Summary section: The strikeout of MUBC & MUEC seems odd given those acronyms are relevant given the two codes referenced in Public Law Chapter 391(L.D.1509). Note: These are struck throughout the chapter.  The summary indicates Chapters 1 through 7 with 6 being struck.  Chapter 7 should have a footnote indicating the pending rulemaking for the adoption of the 2015 IMC.

* Response: MUBC and MUEC was struck because it has been determined by a review of the Statutes by the Attorney general’s office that the legislative intent was to have the MUBEC as the only Statewide code

·       Comment: Section 3 - #8 & #9 should not be removed as they are defined in Public Law Chapter 391(L.D.1509).

* Response: MUBEC and MUEC was struck because it has been determined by a review of the Statutes by the Attorney General’s office that the legislative intent was to have the MUBEC as the only Statewide code

·       Comment: Section 4 #2 (Stretch Code) There could be a challenge to the language “If a municipality adopts the MUBEC Stretch Code, the provisions of the stretch are mandatory in that municipality”.  That language does not exist in the Law, Chapter 392 (L.D. 1543 attached).  Enforcement of the Stretch Code is not contemplated in the law.  Enforcement in small municipalities of any of the MUBEC codes is optional. This could provide municipalities that voluntarily adopt the Stretch Code with enforcement options such as requiring a fee in-lieu of Stretch Code compliance. (The base code is still required to be enforced where applicable).

* Response: The Board discussed that if a municipality adopts the Stretch code that is the code to be followed, there is nothing in the Statute allowing a fee in-leu of compliance.
* Comment: It was also noted that with some of the revisions to Chapter 1 and 6, should also be carried over to other MUBEC chapters, specifically Chapters 3, 4, and 5.
* Response: As the MUBEC has been determined to be the Statewide code this section is just to clarify that the MUBEC is a Statewide code.

Comments From:

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Received June 19, 2021

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**Comments relative to both Chapters 1, The Maine Unform Building Code – Administrative Procedures and Chapter 6, The Maine Uniform Building Code - Energy Code**

* Comment: While the ICC supports the proposed rulemaking we recommend that the MUBEC Board adopt the IECC and IMC without amendment as the I-Codes are correlated to work together without conflicts to eliminate confusion in building design, inconsistent code enforcement, or interpretation among different jurisdictions.
* Response: Mr. Nash thank you for your comments about the adoption of the 2015 IECC and the 2015 IMC. Within Maine State statute the MUBEC Board is required to review the newest codes and determine what changes if any would be best for the State of Maine. The Board must also consider what existing codes are in effect and cannot be changed. Thank you again for your comments.