



# AIA Maine

A Chapter of The American Institute of Architects

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RE: **LD 43, an Act to Repeal the Maine Uniform Building and Energy Code**

The 125<sup>th</sup> Legislature's Joint Standing Committee on Labor, Commerce, Research and Economic Development

April 7, 2011 1:00 PM Room 208, the Cross State Office Building

Senate Chair Rector, House Chair Prescott, and other Committee Members:

My name is Stephen Rich. I am here today representing the American Institute of Architects, Maine Chapter. I am a resident of Glenburn, Maine; a practicing Maine architect for the past 33 years; and President/CEO of WBRC Architects / Engineers with offices in Bangor, Portland and Sarasota. I am speaking in Opposition to LD 43.

***Our AIAMaine position:***

**AIAMaine strongly urges you to reject efforts to repeal the existing Maine Uniform Building and Energy Code.** There are valid reasons for a standard building code, and valid reasons for a standard energy code. You will hear many of them during the course of today. **Some housekeeping might be needed, but don't throw the baby out with the bathwater.**

A single, standard building code brings predictability, uniformity, and coordinated evolution for developers, owners, designers and constructors. It is pro-business, pro-economic development.

A set of standard national codes brings into play the oversight and maintenance needed to make codes responsive to changing conditions, circumstances and technology. Codes are experienced based; they evolve to reflect real life occurrences that effect public health, safety and welfare. **To focus on the importance of code oversight, maintenance and evolution please look at the last pages of this handout.** These are pictures of a building collapse that occurred here in Augusta this past winter. The building was designed and built in the early 70's. I am confident it met the code of the day. But the building failed, fortunately without injury or loss of life. How we design today for snow loads and snow drifts changed dramatically in the late '70s and early '80s. The Maine Uniform Building Code has these improvements. **If the Maine Uniform Building Code is repealed, there will be areas in Maine that will revert back to older, out-of-date, inadequate codes.** The citizens of Maine deserve better.



*A Brief Building Code History:*

**The development of a standard building code goes back 36 years in the United States, and 8 years in Maine. It hasn't been an overnight effort.**

In 1975, the AIA Codes and Standards Committee published a White Paper titled "One Code: An AIA Program for Building Regulatory Reform".

In 1991, this initiative resulted in an AIA convention resolution: "A Single Model Building Code for the United States".

In 1992, three prominent national model-code organizations (BOCA, SBCCCI, and ICBO) came together with the AIA to develop a "Common Code Format."

In 1994, the start of the International Code Council (ICC) began. In 2000, the ACC published the first full family of International Codes.

In 2003, here in Maine, the Legislature formed the Maine Code Working Group.

In 2004 "An Act to Adopt a Model Building Code" was brought into Maine law.

In 2005 "An Act to Amend the Statewide Building Code" was adopted in Maine.

In 2006 "**The Brookings Report: Charting Maine's Future, an Action Plan for Promoting Sustainable Prosperity & Quality of Places**" was published. It was a clarion call for Maine to focus on economic development in a meaningful and organized way. It contained the following:

"...Maine should: Mandate the adoption of perfected model building codes..... Today, Maine's lack of a uniform statewide building code seriously hinders redevelopment by injecting uncertainty into investors' decision making, consuming time, and making clear guidance from a central source impossible to obtain."

In 2007, the Maine Legislature passed "A Resolve directing the Development of a Building Code and Building Rehabilitation Code".

In 2008, Public Law 699 created the **Maine Uniform Building and Energy Code**. It provided a 2 year phase-in (until Dec 1, 2010) for towns with an existing building code and a population greater than 2,000. It provided a 3.5 year phase-in (until July 1, 2012) for towns without an existing building code and with a population greater than 2,000. It does not require enforcement for any town with a population less than 2,000.

**In late March of 2011, a survey conducted by Portland-based Critical Insights shows that 80% of Maine voters support Maine's uniform building and energy codes. Support is above 60% in every demographic subgroup: male & female; Ds, Rs & Is; all age groups; all income levels; all parts of Maine. This demonstrates that the code deserves the opportunity to survive.**

***Summation:***

**Please, don't discard MUBEC until it at least has had a chance to be tested.**

If the 2 year and 3.5 year phase-in periods weren't long enough, extend them.

If minor housekeeping is needed, provide it. As an example, consider addition of the words "application or" in front of "enforcement" in the sentence that applies to towns under 2,000. Revise that sentence to read: "It does not require application or enforcement for any town with a population less than 2,000". That will clarify the original intent, and eliminate legal and banking concerns about potential interpretation of required conformance without required enforcement.

If more training opportunities for Code Enforcement Officers and third party inspectors is a concern, allow time so that this can be accomplished.

**If you must, even though we don't feel you should, consider making inclusion of single family homes a home rule option, or exempt single family homes in the same way log homes and timber frame homes are currently exempt. We don't feel this is a wise approach, but if it will salvage the basic mission of the Maine Uniform Building & Energy Code for the other building types, it can be an approach for you to consider.**

**Preserve the basic intent of a central Maine Uniform Building & Energy Code....preserve the pro-business aspect that brings predictability, and diminishes uncertainty, for building owners and developers.**

If you have any questions, I would be more than happy to answer them. If you would like assistance during a workshop, I hope to be in attendance and available to be of service.

Sincerely,

Stephen B. Rich, AIA, LEED<sup>AP</sup>  
American Institute of Architects, Maine Chapter

# PHOTOGRAPHS



For TV and newspaper reports on the day of the collapse go to the following website links.

<http://www.wmtw.com/news/27055845/detail.html>

<http://www.wlbz2.com/news/local/story.aspx?storyid=150051&catid=3>

[http://www.kionline.com/news/officials-for-kennebec-ice-arena-still-trying-to-figure-things-out\\_2011-03-03.html](http://www.kionline.com/news/officials-for-kennebec-ice-arena-still-trying-to-figure-things-out_2011-03-03.html)