

Technical Codes and Standards Board Meeting Minutes
Department of Public Safety, Office of State Fire Marshal (In-Person & Zoom)
May 18, 2023, 9:00 a.m.

Board Members Present:

Michael Sauschuck, Commissioner of Public Safety, Board Chair/ Chair delegate Richard McCarthy

Marc Veilleux,
representing the State Fire
Marshal's Office

Mark Stambach, CEO representing a
Municipality that is not a Service Center
Community

Tom Lister, CEO representing a
Municipality that is a Service Center
Community

Carl Chretien, representing
Residential Builders

Randy Poulton, representing Commercial
Builders

David Matero, representing Maine
Chapter of the American Institute of
Architects

Eric Dube, representing
Structural Engineers

Mike Pullen, representing the Maine
Historic Preservation Commission

Kim Cheslak, Energy Efficiency
Representative

Steve Martel, Mechanical
Engineer

Jay Horr, Lumber Material Dealer

Michael Stoddard, Representing
Efficiency Maine

Staff Present: Paul Demers, Shannon Quintal, Greg Day

1. Call to Order – Determination of Quorum

Meeting started at 9:10AM. Quorum confirmed.
Introduction of board members.

2. Approval of Agenda

The Board recognized Ross Anthony from the Governor's Energy Office and will provide opportunity to speak early in the meeting.

Motion to approve agenda.

Motion by Mark Stambach, second by Carl Chretien

Passed unanimously

3. Review and approval of the minutes.

A. March 16, 2023 Minutes

Motion to accept minutes as written.

Motion by Randy Poulton, second by Carl Chretien

Passed unanimously

B. May 11, 2023 Minutes

Motion to accept minutes as written.

Motion by Mike Pullen, second by Steve Martel.

9 in favor, 0 opposed, Eric Dube and Randy Poulton abstained.

4. Report from Board Chair:

A. Financial Update – update not available for meeting.

5. Legislative update: Update on bill statuses not available for meeting.

Carl Chretien: Provided a brief update of Legislative bills he and the Maine Home Builders Association have been monitoring. Several bills that may impact licensing contractors, preapproved building designs intended to expedite local review is being studied.

A full update on bills being monitored that may impact the MUBEC and Fire code issues in Maine to be provided by Richard McCarthy.

6. Staff Report:

Paul Demers has reached out to ICC on getting a Maine based code publication and anticipates an estimate by next meeting. Estimate request is for a contract for the 2021, providing a Maine based/specific code publication for IRC and IBC, both printed and digital, and hosting a read-only version.

A. Training Update

- I. Recent Training – BRIC Webinars: Survey presentation by Jim Nadeau, explanation of the various types of surveys that code officials may encounter. Four webinars presented by Gil Rossmiller – two sessions on Residential Foundations and two sessions on IBC. Each BRIC webinar had about 80-90 people. Yesterday Paul attended a plumbing training and update on MUBEC status in northern Maine with about 25 people in the room, and they are working towards setting up some NFPA 101 training as well.
- II. Upcoming Training (scheduled) – MBOIA is scheduled to start Monday and Tuesday of next week, with a dozen classes offered over the two days with plumbing and fire related trainings. Working with PassiveHaus and have included their trainings on the training calendar, one of which Randy Poulton is presenting in early June in Augusta.
- III. Future Topics (pending) – Rich Truitt to teach IEBC, Land Use-zoning and understanding the basics with JT Feldman of Southern Maine Regional Planning Commission, working with ICC on a couple of options for training/speakers on the 2021, and Floodplain Management as part of Land Use or Legal Issues. Working on trying to find funding to restore the 80K 2-day training.

There was discussion to a reference in Chapter 1 regarding a training committee. Randy Poulton recommended to reconstitute the training and certification committee. Paul Demers requested to be emailed by any Board members interested in the Training and Certification TAG to initiate starting the TAG.

7. Unfinished Business:

A. Review Chapter 1 – reviewed changes to Chapter 1. Addition changes identified:

- Renumbering of definitions
- Definitions, #8: “MUBEC Stretch Code *means*”, change “§9722” to “§9721”
- Correct Chapter 2 definition of “Applicant” to include “authorized agent” and use the definition in Chapter 1.
- Include clarification that MUBEC applies in every jurisdiction/statewide
- Discuss Summary “with some exceptions” (clarify exceptions)
- Include draft dates on edits
- Sec. 9- 2, section related to Training and Education Committee referenced by Randy Poulton during discussion of training update. The Board reinforced the importance of this committee.
- Section 12-H references “Board Secretary”- correct to more applicable text.
- Section 6-F references Stretch Code as Appendix, make consistent with other chapters.

Discussion of Chapter 1 postponed as the Board believes there was a later version of edits from the one being reviewed.

B. Review Chapter 2 – reviewed changes to Chapter 2. Additional changes identified:

- Summary, Paragraph two- remove “in the absence of”
- Section 2- Title 25 reference should be Title 30A
- Use “TPI” after first reference to Third-Party Inspector
- Identify defined terms in text (capitalize or italicize)
- Correct Definition #1 Applicant to include “authorized agent”
- Find out from the AG’s Office about putting definitions just in Chapter 1, having all chapters merged into one document, and if defined terms should be capitalized or italicized in the document
- Section 5 #1, first sentence - add “and a copy provided to the municipality”
- Section 8 #4- change “may act” to “shall act.”

Discussion on TPI’s and a lack of insurance and Legal Issues training requirements -concern over the limited requirements, makes it a “buyer beware” certification.

Discussion of Title 25 §2357-A regarding no occupancy without a certificate of occupancy in a municipality of more than 2,000 inhabitants. Provides clarity to the process, see attached Title 25 §2357-A.

C. Review Chapter 3 – due to time, Chapter 3 deferred to the June meeting.

D. Review Chapter 4 – reviewed changes to Chapter 4. Additional changes identified:

- Section 2 – “§9722” reference should be “§9721 *et seq*”
- Section 4, #1 has Appendix C struck out, Appendix C is Wind Retrofit and was determined by the Board as necessary to keep. List in chapter as “A, B and C”.
- “Statutory Authority” line on at the end of the document- change “§9722” reference to be “§9721 *et seq*”

Motion to accept Chapter 4 as discussed.

Motion by Randy Poulton, second by David Matero.

Passed unanimously.

E. Review Chapter 5 – due to time, Chapter 5 deferred to the June meeting.

8. New Business/Code Update:

A. Schedule TAG meetings additional Chapters

- I. IBC TAG - Tom Lister had some aspects of the IRC to check how they align with the IBC and will send Marc Veilleux the information to review. Carl Chretien had some concerns about pools. Marc requested that any comments or concerns regarding the IBC/Chapter 3 be emailed to Marc for review and the TAG will be scheduled if needed.
- II. IMC TAG – waiting on further TAG meeting until a meeting with the Maine Fuel Board can be had to look at conflicts between the IMC and Fuel Board Rules.
- III. Energy TAG – will have another meeting, not currently scheduled.

9. Public Comments:

Ross Anthony, Buildings and Energy Efficiency Analyst with the Maine Governor's Energy Office was recognized by the Board, providing an update on recent activity regarding an abundance of Federal funding and Grant applications that have included the State of Maine as co-applicants and potential

beneficial parties involving training and code related projects. These are a result of recent Federal funding sources and the desire to assist rural communities to enforce and be aware of the energy codes. This is part of the effort to update the codes to the 2021 editions to be consistent with some grant qualification and point based competitive applications. The State is working with several third party advocates including NEEP and ICC who are spearheading the process. Two different projects were submitted - the Regional Rural Code Collaborative and the Regional 360 Workforce Development. The full application has been submitted, but no word yet on if the programs were awarded funds under the Inflation Reduction Act.

The Governor's Energy Office has the Clean Energy Partnership, a program established to advance Maine's clean energy climate, economic development and workforce goals, including the goal of doubling clean energy and energy efficiency jobs by 2030, and funding was awarded to PassivHaus Maine to help deliver accessible and affordable code builder training for PassivHaus and energy efficiency building techniques, particularly as they relate to the MUBEC and Stretch Codes.

Next Scheduled Meeting: Thursday, June 15, 2023 at 9:00am

Meeting adjourned at: 11:58 AM

Respectfully submitted,
Shannon Quintal, Administrative Assistant

[Title 25, §2357-A: No occupancy without certificate; appeal \(maine.gov\)](#)

§2357

Title 25: INTERNAL SECURITY AND PUBLIC SAFETY

§2358

Part 6: FIRE PREVENTION AND FIRE PROTECTION

Chapter 313: MUNICIPAL INSPECTION OF BUILDINGS

§2357-A. No occupancy without certificate; appeal

A building in a municipality of more than 2,000 inhabitants may not be occupied until the building official has given a certificate of occupancy for compliance with the inspections required by [section 2353-A](#). A building in a municipality of more than 2,000 inhabitants that has adopted or is enforcing the Maine Uniform Building and Energy Code pursuant to [Title 10, section 9724](#) may not be occupied until the building official has given a certificate of occupancy for compliance with the Maine Uniform Building and Energy Code adopted pursuant to [Title 10, chapter 1103](#), and in accordance with the required enforcement and inspection options provided in [section 2373](#). The building official may issue the certificate of occupancy upon receipt of an inspection report by a certified 3rd-party inspector pursuant to [section 2373, subsection 4](#). The municipality has no obligation to review a report from a 3rd-party inspector for accuracy prior to issuing the certificate of occupancy. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with [Title 30-A, section 4452](#). In case the building official for any cause declines to give that certificate and the builder has in the builder's own judgment complied with [section 2353-A](#), an appeal may be taken pursuant to [Title 30-A, section 4103, subsection 5](#) or through an alternative appeal process that has been established by ordinance pursuant to [Title 10, section 9724, subsection 5](#). If on such appeal it is decided that [section 2353-A](#) has been complied with, the owner of the building is not liable to a fine for want of the certificate of the building official. [PL 2011, c. 582, §6 (AMD).]

SECTION HISTORY

PL 2009, c. 261, Pt. B, §7 (NEW). PL 2011, c. 94, §1 (AMD). PL 2011, c. 365, §7 (AMD). PL 2011, c. 582, §6 (AMD).