

**Technical Codes and Standards Board Meeting Minutes**  
**Department of Public Safety**  
**Office of State Fire Marshal (via Zoom)**  
**February 17, 2022, 9:00 a.m.**

**Board members present:** Mike Pullen, Eric Dube, David Matero, Kim Cheslak, Steve Martel, Michael Stoddard, Jeremy Martin, Marc Veilleux, Randy Poulton

**Excused:** Ben Breadmore, Barry Chase

**Staff present:** Rich McCarthy, Paul Demers, Shannon Quintal

**1. Call to Order – Determination of Quorum**

Meeting started at 9:02 AM. Quorum confirmed.

**2. Approval of Agenda**

Motion to accept agenda, with the request to move #8 Unfinished Business out of order.  
Motion by David Matero, second my Mike Pullen  
8 in favor, 0 opposed

Board members introduced themselves.

**3. Review of January 27, 2022 Minutes**

Approval of minutes as prepared.  
Motion by Mike Pullen, second by Marc Veilleux  
7 in favor, 0 opposed, Randy Poulton abstained

No financial report given.

**4. Report from Board Chair – Richard McCarthy**

Status of Board (re)appointments – all the information is into the Governor’s Office, waiting for update on confirmable appointments.

**5. Legislative Update**

There are currently three bills that affect MUBEC:

- LD1809– shoreland zoning bill that provides extra height allowance for older buildings in floodplains.
- LD1940 – will require Building Codes to put an amendment in to allow EPA approved refrigerants to be used after Chapter 38 of DEP’s regulations on refrigerants was updated last year to not allow certain refrigerants to be used. LD1940 passed through committee unanimously and will become law if passed by senate and house.
- LD1977 – a bill that would require contractor registration if doing work over \$5000 not in own home. In the past, contractor licensing has been attempted but didn’t pass. Contractor registration would provide for accountability and verify a contractor has insurance, is not bankrupt, criminal history check, and would cost \$150 a year.

Brief discussion on a previous bill regarding Accessory Dwelling Units for a statewide mandate to override municipal setbacks – passed committee but died on the floor, with potential to resurface after an amendment and an appointed commission to review but has not been presented yet.

## **6. Staff Report - Training Update**

- Stretch Code training put on by Portland/South Portland, had two one-hour sessions with about 130 attending the first and about 85-90 attending the second. Training was open to all.
- IECC Residential Energy 1 hour training on the 2015 Energy Code provided in Ellsworth and Mechanic Falls and continuing to work on other locations.
- Waiting for approval to start utilizing the BRICs grant and will be working on Legal Issues and Land Use/Subdivision trainings.
- With the adoption of the 2021 UPC, Mike Day and Brent Lawson have been doing classes just about every Wednesday starting next week through April.
- For additional outreach, in communication with Jonathan Dyer with the Radon program, DEP is working on a Shoreland package to get information out, and the MBOIA spring conference is getting all sorts of topics that will be helpful to code field.

## **7. New Business/Code Update**

- Code copy access for Board members – coupon codes for digital access to codes had not been sent due to waiting on finalization of appointments. Paul will send coupons codes along with screenshots on accessed the correct product. Account creation will be required for digital access. Access is considered “governmental members” and includes voting rights.
- Schedule for Chapter Review - Paul and Rich put together a schedule to outline the timeframe estimates on chapter review and preparing for Technical Advisory Groups. Schedule provided to the Board for review. As chapter reviews are completed, they can be sent for review to the AG’s office and then set aside to wait for public hearing process.
- Technical Advisory Groups – Purpose of TAG is for when the Board is questioning how to proceed, TAG committees bring in other experts, TAG will discuss and provide a conclusion with the board to review.
  - Assigned TAG Chairs:
    - IRC - Marc Veilleux, Eric Dube
    - IBC – Marc Veilleux, David Matero
    - Mechanical (IMC) – Steve Martel
    - Energy – Kim Cheslak, Eric Dube, Randy Poulton, Dave Matero
    - Existing Buildings – Mike Pullen, Rich McCarthy, Jeremy Martin
  - TAG Applications will be sent to the Board members today to distribute among groups. It is open to the public and meetings will be held virtually. Paul can assist in provide code documents and meeting links to the TAG members.

- Discuss Chapter 1, 2 & 4 of Rules – Chapters sent to Board to review. Board may review independently and suggest changes directly to Rich.
  - Chapter 1 – Administrative  
Board reviewed draft – suggestions: “Seasonal Dwelling” portion be reworked, clarification on “conflict of interest” for TPIs, correct “Maine Uniform Building and Energy Code” text, provide more detail on Section 5 - C on “county or regional authority,” and provide a clear indication that code still applies statewide whether or not its enforced. Once passed, the new “refrigerants” text will be added around Section 15. Stretch Code reference to be updated at a later date.
  - Chapter 2 – Third-Party Inspector  
Board reviewed draft – suggestions: Reverse #6 and #7, correct “Maine Uniform Building and Energy Code”
  - Chapter 4 –  
Board reviewed draft – suggestions: correct “Maine Uniform Building and Energy Code”, review the section on NFPA54 as that may be left to the Fuel Board, look at statute in consideration of Section 106.1 to have a “special conditions” note that would allow a code official to request documents prepared by a design professional if they are uncomfortable with something.
  - Chapter 5 -  
Board reviewed Chapter 5 – Paul and Rich will review Townhouse portion, change title, and go through to make changes and provide e-mailed draft to Board to review again.

## 8. Unfinished Business

### MUBEC Annual Report Update

(Moved discussion out of agenda order to after training update)

Draft of annual report provided to Board for review. Report is to be given to the “Joint Standing Committee” but as it doesn’t exist anymore, Criminal Justice/Public Safety take the report now, and committee chairs have been notified the report is late due to the MUBEC Board not being able to meet. The purpose of the report is to inform the committee of any proposals for conflict resolution, improvements on the effectiveness of the codes, and if there is the wish to have alternative methods for funding.

Mike Pullen suggested attaching the “Conflict Resolution” chart to the report.

Randy Poulton suggested using the report as an opportunity to provide feedback to legislature on what would be needed to improve the code environment, to have the Board be the expert resource and limit legislature on making nonexpert decisions that have negative impact codes, and to communicate that Building Codes needs more staff that code provide State level assistance to municipalities.

It was suggested to send the report to the IDEA committee – they do not have jurisdiction over MUBEC, it can be sent anyway.

It was also discussed that the conflict of having Board seats waiting for appointment and affecting the ability to meet could be improved by having Statute state members can “serve until replaced” instead of it being an interpretation.

Clarification was provided regarding a municipality's ability to be stricter than the state, and in order to do so, a municipality would have to pass a specific ordinance separate from building codes and cannot reference building codes.

**9. Public Comment**

No public comment provided

**Board Member Comment:**

**Next Scheduled Meeting:**

March 17, 2022 at 9:00 AM

**Meeting adjourned at 11:36 AM**

Respectfully submitted,  
Shannon Quintal, Administrative Assistant