

Technical Codes and Standards Board Meeting Minutes
Department of Public Safety, Office of State Fire Marshal (via Zoom)
January 19, 2023, 9:00 a.m.

Board Members Present:

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: Rich McCarthy, Paul Demers, Shannon Quintal

1. Call to Order – Determination of Quorum

Meeting started at 9:08 AM. Quorum confirmed.

Introduction of board members.

2. Approval of Agenda

Richard McCarthy suggested modifications to the agenda - under Number 7. Unfinished Business strike out A. Chapter One, add under 8. New Business a Code Interpretation Request from the City of Portland, and discuss 8-New Business before 7-Unfinished Business.

Motion to accept agenda as modified.

Motion by Carl Chretien, second by Mark Stambach

9 in favor, 0 opposed

3. Review and approval of the November 17, 2022 Minutes

Motion to approve minutes.

Motion by Carl Chretien, second by Randy Poulton.

Discussion: Mike Pullen requested a correction to include experimental buildings to consider composite housing from Unfinished Business of last meeting. Randy Poulton had emailed a request for clarity on the motion regarding the manufactured “shed” homes, which was not ready prior to meeting. Randy Poulton suggested move minutes review until next meeting. Carl Chretien rescinded motion.

Motion to move review of the November 17, 2022 minutes to the next meeting.

Motion by Carl Chretien, second by Randy Poulton.

9 in favor, 0 opposed

4. Report from Board Chair:

A. Financial Update, \$801,475

B. Process review from Attorney General

Question: Can the Board amend the MUBEC or does statute basically state adopt the code, no amendments? The Attorney General's Office was contacted to provide an opinion.

Richard McCarthy recognized Kent Avery, Assistant Attorney General at the Attorney General's office, to speak. Kent Avery provided a letter regarding an opinion that the Board can make any changes to MUBEC as seen fit that's consistent with the statute and offered to answer any questions.

General discussion on how extensive the code could be amended and still meet the intent of adopting updated editions. Exchange between Board members and AG Avery relative to the letter from AG's Office. The resulting action was that the Board had discretion to make amendments and utilize judgement to make MUBEC codes consistent with Maine based issues that may not be recognized in a national code. This could be done using the conflict resolution guidance document in the Rules. Ultimately, the Board accepted the letter from Mr. Avery to allow the Board to consider amendments as well as conflict resolution in their authority with guidance from Statute.

- 5. Legislative update:** Richard McCarthy summarized current legislative details, discussed one in particular (LD207) and mentioned a couple of other concept bills related to Building Codes/MUBEC. LD207 is An Act to Transfer Responsibility for Administering the Maine Uniform Building and Energy Code from the Department of Public Safety, Office of the State Fire Marshal to the Department of Professional and Financial Regulation. It would take everything for Building Codes- the entire MUBEC Board, all rules, staff, equipment, and financials.

6. Staff Report:

- A. BRIC application for 2023 – applied for the non-competitive grant, with update yesterday that it will be filed with FEMA within the next 1-2 weeks through MEMA. Two primary requests in the application are updating all the exams with supporting guidance documents and provide hard copies for the Code Commentaries to communities in the state that enforce MUBEC.

B. Training Update

- i. Recent Training – BRIC funded and recorded: four trainings on Internal Plumbing (IAMPO), a Foundations training (American Concrete Institute), Shoreland Zoning (Mike Morse)
- ii. Upcoming Training (scheduled) – Nothing scheduled at this time.
- iii. Future Topics (pending) – have a couple more options on foundations trainings, will try to get more with Mike Morse and David Rocque, former State geologist. Directing trainings at the 2021 Edition but would like input from the Board on focusing training on 2021 Edition in anticipation of adoption, instead of the current 2015 Edition.

7. Unfinished Business:

- A. Chapter 1 review- did not review during meet.
- B. Discuss Chapter 2 (Dec revision attached)- Paul Demers suggested including “Legal Issues” as part of the TPI requirements and went through the current draft of Chapter 2 changes. Randy Poulton noted C and D of Inspection Report is inconsistent with terms “non-compliant” and “non-conforming” and should be one term for consistency and suggested “non-conforming.”

- C. Chapter 6 update of IECC 2021 Chair update – Due to the limited time for this meeting, there was not sufficient time remaining to discuss all of it. Discussion to be moved to next meeting.
- D. Chapter 5 Preliminary review- did not do a review in meeting, Richard McCarthy, Paul Demers, and Tom Lister will work on it.

8. New Business/Code Update:

- A. Schedule TAG meetings additional Chapters –Have not yet scheduled IBC, will connect with Marc Veilleux. IMC tag will be scheduled after a meeting with Dale Hersey and will schedule TAG with Steve Martel. Energy TAG is already scheduled for February 1.
- B. Code Interpretation Request –Code Interpretation request received from Portland regarding the 2015 IBC Section 1005.3.1 and 1005.3.2 Exception 1. After discussion of rule referencing the wrong section and that the intent was to use NFPA exit capacity numbers, it was determined that a simple solution, until correction can be made, is to provide a letter regarding the interpretation.

Motion to create a letter to the City of Portland defining that egress capacity factor is .2 inches for doors and .3 inches for stairs in a business occupancy.

Motion by Carl Chretien, Second by Marc Veilleux
9 in favor, 0 opposed

9. Public Comments:

No public comment made.

Next Scheduled Meeting: Thursday, February 16, 2023 at 9:00am

Meeting adjourned at: 11:14 AM

Respectfully submitted,
Shannon Quintal, Administrative Assistant