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Anne L. Head
Commissioner, DPFR
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**TESTIMONY OF ANNE L. HEAD, COMMISSIONER
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

IN OPPOSITION TO LD 207 and IN SUPPORT OF LD 207 AS AMENDED

*"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"*

Sponsored by Representative Joshua Morris

**BEFORE THE JOINT STANDING COMMITTEE ON CRIMINAL JUSTICE AND
PUBLIC SAFETY**

Public Hearing: March 20, 2023, 1:00 PM

Senator Beebe, Representative Salisbury, and honorable members of the Joint Standing Committee on Criminal Justice and Public Safety, my name is Anne Head. I am the Commissioner of the Department of Professional and Financial Regulation and the Director of the Office of Professional and Occupational Regulation (OPOR). I intended to testify today in opposition to LD 207, as printed. I now understand, however, that Representative Morris has proposed an amendment that replaces the original bill. My printed testimony, therefore, combines reasons for DPFR's opposition to the original bill and rationale for our support for the amended version.

The original bill would move responsibility for the adoption and administration of the Maine Uniform Building and Energy Code (MUBEC) from the Department of Public Safety, Office of the State Fire Marshal to the Department of Professional and Financial Regulation. It would establish the Division of Building Code Standards within the Department.

At its inception many years ago, the code enforcement training program was located within the now-disbanded State Planning Office. Code enforcement training was then moved into DECD and later into the DPS State Fire Marshal's office. Once located with the SFMO, MUBEC and the Technical Standards Board were added to DPS. Code Enforcement Training and MUBEC are challenging programs to implement because of complex requirements, definitions,

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exemptions, and certification requirements that span several different titles of Maine statutes, departments and agencies. These include, but are not limited to, Titles: 5, 10, 25, 30-A, and 35-A, and DPS, DECD, DHHS, DAFS, DOL and MSHA.

One particularly significant challenge in administering MUBEC is the wide range of entities responsible for delivering different aspects of necessary training. There is simply no single controlling agency, which is likely why it has been relocated from department to department. Moving this program to PFR will not resolve existing issues with MUBEC administration. It will only continue to contribute to the confusion, resistance, and challenges to implementation from towns and municipalities.

DPFR has neither the expertise nor the funding to support this program, to develop training and continuing education, or to support local planning efforts. The relocation and ongoing support of this program would divert staff from their critical core functions resulting in the delay in processing license applications, issuing licenses, and handling consumer complaints. The bill would require substantial funding from the General Fund to support the work of consultants and experts to develop the structure and expertise necessary to implement this program within DPFR.

The printed bill would also require the Department to engage in functions well outside its statutory mission and expertise, such as developing and administering exams, which OPOR outsources to national companies with relevant expertise to develop and provide training and continuing education that OPOR licensees are currently responsible for identifying and procuring on their own.

The costs associated with the suggested move to PFR or any other department would be significant. The bill creates a new program with a governing board and would require staff with technical expertise. We would need a dedicated manager with relevant expertise, inspectors, and additional support staff. We would also have to hire a training coordinator and other staff to develop and provide training for local municipal and town planners.

While we thank the sponsor for his confidence in DPFR by naming it as the location of MUBEC in the printed bill, we believe that the State Fire Marshal's Office in the Department of Public Safety is the appropriate location for MUBEC and the Standards Board. That said, representatives of DPFR will participate in the study proposed by the amendment.

On a final note, having participated in similar studies of the kind proposed in the amendment, I hope the December 6, 2023, report date will provide the study group sufficient time to produce meaningful recommendations to the Committee.

Thank you.