

## **Testimony of Richard Lambert**

### **Retired Code Enforcement Officer**

Madam Chair of the House and Senate, members of the Joint Standing Committee on Criminal Justice and Public Safety, Ladies and Gentlemen. Thank you for this opportunity to testify on LD 207, 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.

My name is Richard Lambert, and I am a retired Code Enforcement Officer. For almost 40 years, I served as a Municipal Code Enforcement Officer, first for the City of Biddeford and then for the last 35 years for the City of Saco. During my years of service to these communities, I was fortunate to have been appointed as one of the original members of the Maine Technical Building Codes and Standards Board. I have also had the honor of serving as President of the Maine Building Officials and Inspectors Association and Chair of the Northeast Regional Coalition which is an affiliate group of the International Code Council made up of Building Code and Fire Safety Officials from New England and New York State. The vision and purpose of both groups is to create safe, affordable, and sustainable buildings and communities. In my years in this profession, I have always considered myself first and foremost, a public safety official.

As a member of the first Technical Building Codes and Standards Board, we had a very close relationship with the State Fire Marshal's Office. When the first Statewide building and energy codes were adopted, the State Legislature realized that the intersecting purposes of both the building and fire safety codes was to prevent the loss of life and property through the effective administration of model codes. There was some discussion on where this Board and the building and energy codes should be based. In the end, the State Fire Marshal's Office was chosen, with assistance from the State Planning Office who assisted with training inspectors. Under the LePage Administration, the State Planning Office was eliminated, and the codes were then transferred to the Department of Economic and Community Development. While both Departments served the codes well, the Technical Code Board always relied on the State Fire Marshal's Office to do the yeoman's work of coordinating the Fire Codes which they already administered with the new Building and Energy Codes.

Also, during those early years, there were several attempts to repeal the building and energy codes or significantly weaken them by creating exemptions for smaller municipalities. This was understandable since many of these smaller municipalities did not have the funds or wherewithal to support a code enforcement department. More recently, amendments were made by the Legislature to make the code mandatory Statewide but to leave enforcement optional for the smaller towns. At the same time these amendments were passed, the responsibility for administration for these codes and for training and certification of inspectors was shifted to the Department of Public Safety, Office of the State Fire Marshal. Each time the codes were shifted from one State Department to another, a great deal of turmoil followed.

Trainings were delayed, responsibilities were unknown and generally a great deal of confusion reigned. This confusion translated into lost revenue for local contractors, developers, and suppliers of building products. It also led to a great deal of frustration to the prospective homeowner who could sometimes not get answers to questions.

The last move to the Department of Public Safety, Office of the State Fire Marshal however, made the most sense as the functions of both the State Fire Marshal and the local Code Enforcement Officer are similar. Both administer and enforce technical codes, do plan review of new and existing construction, and do inspections of these activities. The major difference is that the State concentrates its efforts on commercial and public buildings while the local CEO concentrates on residential and low-rise construction, as well as administering local land use, shoreland, subdivision, and flood plain regulations as well as a host of other tasks assigned to them by the municipality.

I have looked through the text of this proposed bill and cannot find any statement or reason of why these codes must be moved once again. In my opinion, moving responsibility for administration of these codes to another department will only create more confusion and turmoil. Now that we are emerging from 3 years of uncertainty created by the pandemic, the State of Maine can ill-afford to create more confusion by making this ill-advised move. I urge the Committee to vote down this bill.

Thank you for your time.

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