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**TESTIMONY OF JOAN COHEN**  
**DEPUTY, DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**  
**IN SUPPORT OF LD 675 AS AMENDED**

*“An Act to Improve the Convenience of Public Restrooms”*  
**Sponsored by Representative Samuel Zager**

**BEFORE THE JOINT STANDING COMMITTEE ON  
INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT, AND BUSINESS**  
**Public Hearing: Tuesday April 18, 2023, 1:15 PM**

Senator Curry, Representative Roberts, and honorable members of Innovation, Development, Economic Advancement, and Business Committee my name is Joan Cohen, and I am the Deputy at the Department of Professional and Financial Regulation. The Maine Plumbers’ Examining Board is within the Office of Professional and Occupational Regulation (OPOR) one of the five regulatory agencies within the Department. I am here to speak in support of LD 675, as amended on behalf of OPOR.

The Maine plumbing code is based on the Uniform Plumbing Code (UPC) developed by the International Association of Plumbing and Mechanical Officials (IAPMO). The IAPMO updates the UPC every three (3) years, and the Board traditionally adopts a new edition of the UPC every six (6) years through the APA rulemaking process. The Board recently adopted the 2021 UPC so it is not slated to adopt a new version until the 2027 UPC.

This bill, as amended, directs the Board to initiate rulemaking to make changes to its currently adopted plumbing code to incorporate one specific section of the 2024 UPC, Chapter 4 section 422, into its rules. Chapter 422 updates the requirements around plumbing fixtures to allow, but not require, all-gender bathrooms to count toward the minimum number of gender specific (male/female) fixtures. The 2024 revisions to chapter 422 were developed by national experts and their considerations included wait times, parity and privacy.

The UPC currently sets the minimum number of fixtures to be calculated at 50 percent male and 50 percent female based on the total occupancy load. Once the occupancy load and occupancy are determined, the UPC uses a table, broken down by type of venue, to set forth the minimum number of plumbing fixtures required. By adopting section 422 of the 2024 UPC, all gender

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bathrooms will be eligible to count towards the total number of required fixtures in accordance with the code.

The Board adopts UPC updates through the APA rulemaking process. The bill requires the Board to commence the rulemaking process no later than December 1, 2023 which will provide sufficient time to commence the rulemaking process. Prior to December 1, OPOR staff will need to research and draft a rule to present to the Board. The Board will then need to vote to advertise the proposed rule for public notice and comment. Only after the Board considers and responds to the public comments, can it vote to adopt a final rule.

I am happy to answer questions now or at the work session.