



AGC MAINE
THE CONSTRUCTION ASSOCIATION

Testimony of Matthew Marks on LD 210, Associated Items to Facilitate the Transfer of the Maine Uniform Building and Energy Code (Part D)

**An Act Making Unified Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2025, June 30, 2026 and June 30, 2027
Joint Standing Committee on Appropriations and Financial Affairs
February 5, 2025**

Senator Rotundo, Representative Gattine, and distinguished members of the Joint Standing Committee on Appropriations and Financial Affairs, I am Matt Marks, a Principal at Cornerstone Government Affairs, and submitting testimony on behalf of my client the Associated General Contractors of Maine (AGC Maine).

I want to begin by thanking members of the Committee for their ongoing work on the state budget. Today I am here to speak on the budget request for the Maine Office of Community Affairs (MOCA) and the transfer of management of the Maine Uniform Building and Energy Code (MUBEC).

MUBEC is the guiding set of codes and standards for the building industry including the International Residential Code (IRC), International Building Code (IBC), International Existing Building Code (IEBC), International Energy Conservation Code (IECC), International Mechanical Code (IMC) and The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards. The codes are lengthy, and the MUBEC Board, The Technical Building Codes and Standards Board created in 2010 under M.R.S. 10 §9722, reviews each section and adopts or amends the Maine Uniform Building and Energy Code, in addition to identifying, and resolving conflicts of the building code and life safety codes.

In addition to the Board, the process utilizes Technical Advisory Groups to review the sections and discuss potential conflicts, safety issues, constructability and the practicality of implementing the codes in our state. Prior to the most recent adoption, I've participated in the Advisory Groups and the process is detailed and important. However, the process can be greatly improved if codes are adopted as expected, with the proper resources.

During my time working with the construction industry the MUBEC process has faced challenges. Oversight of MUBEC has moved from the Fire Marshal's Office, and back into the Fire Marshal's Office, but never seemed to find the proper agency to manage the process of adoption, education, and enforcement. Processing codes has been consistently behind, making it difficult to adopt codes. This can have a significant impact on the industry. Until recently Maine has been working under the 2015 set of codes.

Training, when conducted, has been limited to code enforcement and while that has been a statutory requirement, it is severely lacking as the design and construction community doesn't have the basic necessary guidance on the complex codes expected to be included in the construction process. AGC Maine has offered to assist this process and asserted that the training component is equally as critical as adopting codes.

The transfer of MUBEC from the Fire Marshal's Office to the MOCA is strongly supported by AGC Maine. Managing the process of adopting codes requires dedicated staff bringing together industry experts to meet deadlines, provide the necessary training, and support local code enforcement officers who are charged with interpreting thousands of pages of codes and standards. The industry appreciates conformity and predictability, and we are hopeful this change will deliver that to the market.

MOCA has an opportunity to provide ongoing education and support for the industry. Code enforcement should have the same level of support regarding Maine's building codes as it does with the plumbing or electrical codes. This will also assist with the ongoing code adoption, as MOCA will collect feedback, and have data to provide during future code adoptions where questions arise in our communities on specific codes or potential conflicts.

Additionally, the office will require support from staff to ensure that the adoption process is simpler and more organized. Making sure the process is on time, meetings occur as expected, and the materials are vetted to facilitate technical discussions. For those reasons, we encourage the Committee to support the budget request for MOCA.

I want to thank the Committee for listening and considering our comments, and we are happy to answer any questions.