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Presenting LD 445

An Act to Stimulate Housing Production by Increasing the Threshold Before Participation in the Maine Uniform Building and Energy Code Is Mandatory February 26, 2025

Senator Curry, Representative Gere, and the honorable members of the Joint Standing Committee on Housing and Economic Development. My name is Jack Ducharme and I proudly represent the people of Cornville, Madison, and Norridgewock in the Maine House of Representatives. I come before you today to present LD 445, An Act to Stimulate Housing Production by Increasing the Threshold Before Participation in the Maine Uniform Building and Energy Code is Mandatory.

10 MRSA ss 9724, enacted in 2019, requires that every municipality in Maine that has a population of 4,000 or greater must adopt and enforce the Maine Uniform Building and Energy Code. This has placed a significant strain on the ability to build new homes in some of the least populated areas of the State and put many towns in competition with the next town over for housing starts due to this regulation. Towns are having a difficult time finding and retaining Code Enforcement Officers in part because of the additional work required in permitting and monitoring new builds under this code. Most of these towns can only afford to have a part-time Code Enforcement Officer. This also puts considerable strain on municipal budgets due to the amount of time required to monitor and enforce MUBEC. In many small towns projects are delayed in part to waiting for required inspections and monitoring that the Code requires.

I propose that we increase that population threshold to 10,000 for the required adoption of the Maine Uniform Building and Energy Code. Most towns of 10,000 or more already have a full-time Code Enforcement Officer so the requirement is built into the municipal

District 71
Cornville, Madison, and Norridgewock

budget. Increasing this population threshold would allow over 60 towns in Maine to adopt a more streamlined building permitting process. This would open roughly 2600 square miles of Maine real estate to more streamlined housing development. Towns of less than 10,000 would be free to continue to adhere to MUBEC as their code but would not be required to do so. If their voters choose to repeal the adoption of MUBEC required by the 2019 law, they could do so using their normal municipal rulemaking process.

Since introducing this bill title, I have had several groups reach out about ideas to fix the problem that I have described. I am not sure that changing the threshold is the answer, but I am sure that there are folks in the business that could provide guidance to us as we review this issue and come to a resolution. The burden of this on small towns is real and their answer is in some cases to ignore the code rather than figure out how to comply. This means we have a law on the books that is not being enforced equally across the state which is really a problem for builders and consumers alike. We should make every effort to fix this issue to the extent that we can. I am flexible on how this is accomplished and open to reasonable suggestions that do not violate the Home Rule provisions of the Maine Constitution.

Thank you for listening and I would be happy to answer any questions that you might have to the extent that I am able.

Thank you.

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