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LD 2223 – An Act to Increase Funding for Construction Plan Reviews and Clarify Rule-making Authority for Municipal Reviews of Development

Senator Beebe-Center, Representative Hasenfus, and honorable members of the Criminal Justice and Public Safety Committee, my name is Shawn Esler, and it is a privilege to serve as the State Fire Marshal. I am providing testimony in **support** of LD 2223, which includes the two Public Safety Inspector II positions needed to address plan review capacity within the Office of State Fire Marshal.

The issue of plan review timelines is not new to this Committee. LD 1005 allowed us to gather data, engage stakeholders statewide, and evaluate how to improve the review process while maintaining consistent life-safety standards. LD 2223 is the structured implementation of that work.

Plan review is not just a regulatory function; it is an economic function. When Maine delivers timely and predictable permitting, we signal that projects can move forward efficiently and responsibly. That matters when companies decide where to invest and create jobs. Strong plan review capacity supports contractors, engineers, architects, housing developers, and public infrastructure projects. It protects life safety without becoming an unintended barrier to growth.

This work is local. Our team has reviewed projects in every member's jurisdiction represented on this Committee, supporting schools, public housing developments, commercial construction, and municipal facilities. In many of those communities, we serve as the technical partner to fire chiefs and code enforcement officials who do not have full-time fire prevention staff or NFPA-certified plan reviewers. When complex projects arise, we provide the expertise local officials rely on, including code interpretation, review of specialized designs, commissioning support, and statewide training. This ensures a rural fire chief has access to the same technical support as a larger city department.

LD 2223 strengthens that partnership model. It preserves statewide consistency, clarifies municipal participation under uniform standards, authorizes memoranda of understanding to formalize oversight, and ensures we have the capacity to support builders and municipalities. It also modernizes the fee structure and creates a transparent cost-sharing framework for locally reviewed projects.

You may ask why this was not included in the supplemental budget. The answer is straightforward. We needed the data before we could formally demonstrate and quantify the need. The LD 1005 Working Group was tasked with examining workload, capacity, and statutory authority, and its report was not finalized until December 3, 2025. That analysis provided the factual foundation necessary to support both the policy changes and the staffing request. LD 2223 appropriately carries the statutory framework and the fiscal component together.

The bill includes a modest fee adjustment, increasing the plan review rate from 0.15% to 0.20% of construction cost. Based on 2025 activity, that adjustment would have generated approximately \$472,000 in additional annual revenue. With an average adjusted project valuation of roughly \$1.18 million, this equals about \$590 per permit.

Should the bill pass, these revenues will be credited to an existing nonlapsing special revenue account dedicated solely to fire marshal operations. The bill funds two Public Safety Inspector II positions at approximately \$354,800 in the first year, including equipment and vehicle costs, with ongoing annual personnel costs estimated at \$245,000. These funds are not General Fund dependent and are tied directly to construction activity and service delivery.

This self-sustaining structure allows us to reduce average construction review timelines from roughly six weeks to an estimated four weeks once fully staffed, improving predictability while maintaining consistent life-safety standards.

Reducing review timelines saves contractors money, far exceeding the cost of the permit. Each week a project waits for approval it carries financing costs, scheduling challenges, material price exposure, and labor costs. Shorter, predictable review periods reduce those carrying costs and keep projects on schedule. Those savings ultimately benefit property owners, tenants, municipalities, and taxpayers by helping control overall construction and housing costs.

LD 2223 strengthens service delivery without expanding the overall tax burden.

Quite simply, this bill provides the structure, authority, and staffing necessary for our office to do the job the Legislature has assigned to us. It improves predictability, supports municipalities, preserves uniform standards, and strengthens public confidence in Maine's fire protection system.

We are proud of the work completed through the LD 1005 Working Group. The outcome represents a thoughtful compromise between expanded municipal participation and preserving the integrity of statewide Fire Marshal plan review operations. The inclusion of these two positions is a meaningful step toward implementing the Committee's full recommendations.

In addition to the proposed fee adjustment included in LD 2223, I intend to review the broader fee structure within the Office of State Fire Marshal over the next year and return to this Committee with any recommendations necessary to ensure our system remains modern, equitable, and sustainable.

Thank you for your continued commitment to public safety. I would respectfully urge the Committee to **support** this important bill. I am happy to answer any questions.



Shawn Esler, State Fire Marshal