

Approved

**MBOIA Minutes**  
**April Board Meeting Minutes**  
**Thursday, April 25, 2019**  
**MMA**  
**Augusta, Maine**

**Minutes**

A. Call to Order: President Tom Lister called the meeting to order at 9:10 a.m.

Guest Report: Bill Nash reported the following:

New England Tour: Bill Nash reported on the following:

- MBOIA will be hosting for ICC:
- 1<sup>st</sup> week of August – August 4 – Event  
Invited to attend – ICC President, ICC Staff – Technical Resource staff, Chapter Leaders  
Sunday Evening – Event with MBOIA – VIP’s will come in around 2 p.m.  
Monday – August 5 – Event with MBOIA – Mid Morning Brunch – Dinner in New Hampshire possible  
Tuesday – August 6 with New Hampshire – Possible a Bill signing that day  
Use this tour to invite stakeholders, legislators, MFCA, Northern Chapter relationships in general to help MBOIA cause etc. MBOIA needs to plan a Social  
They have a budget for this tour  
MBOIA can plan one large event and a smaller one  
MBOIA will get a sub-committee to get this organized!
- Building Safety Month Signing at the Code Conference
- Email Bill Nash – Conference Call with Missy White in regards to Sponsorship for the Code Conference

Guest Report: Rich McCarthy reported the following:

- LD 855 & LD 921, LD 1509 & LD 1543 will be heard with the Joint Standing Committee on Criminal Justice & Public Safety.
- LD 855 – **An Act to Strengthen the Maine Uniform Building & Energy Code**  
Bringing 3 employees back to the Fire Marshall Office to specialize in Code  
This has to pass if it goes to the Fire Marshall’s Office – It needs people & staff  
MBOIA Board supports this
- LD 921 – **An Act to Allow Municipalities to Adopt Stricter building & Energy Code Standards Than the Maine Uniform Building & Energy Code**  
Not having a uniform code – Suggestion was leave it with the Code adopted with the State – Leave it to the Town to add within but not adopt a different code.  
Intended to be in the family of codes. There will be an amendment tomorrow. Work session is Monday at 10:00 a.m.  
Fire Marshall will go against as written  
MBOIA Board will go against as written

Approved

- **LD 1509 – An Act to Amend the Laws Governing the Maine Uniform building & Energy Code to Ensure It Is Consistent with Current Standards & Applies to Small Municipalities**  
Stated he wants what has to be in the MUBEC listed out  
Probably will have an Amendment tomorrow  
Fire Marshal will support this bill if amended  
MBOIA Board will support this bill if amended
- **LD 1543 – An Act To Amend the Maine Uniform Building & Energy Code**  
Small changes in Rule Making – All done with the Commissioner  
He no longer needs a Governor to sign off on  
Fire Marshal is not for or against  
MBOIA Board in not for or against
- Request for the Board: Rich McCarthy would like a group membership from MBOIA for about 20 people in his office. There would be no names on the individual member. This would be a by-law change.  
Rich McCarthy would be the primary person and we would list FM1 through FM20. FM 1, FM 2, FM 3, FM 4, FM 5 etc.  
Consensus of the board to allow the State Fire Marshall Office to have a group membership.

- B. Calling of the Roll of Officers: Tom Lister, Brian Longstaff, David Twomey, Kathy Joiner, Ben McDougal, Stewart Brooks, Paul Demers, Mike Falvey, Justin Brown, Nick Adams, Tom Maynard, Barbara Skelton, and Joan Kiszely-MMA.

Absent: Steward Brooks

Excused: Ben Breadmore

Conference Call: Mark Stambach, Bill Nash

It was determined there was a quorum.

- C. Review and Acceptance of the January 24, 2019 Minutes

Motion made by Justin Brown, seconded by Mike Falvey, all approved the Board meeting minutes.

- D. Communications: Tom Lister reported the following communications:

Bills:

Ben McDougal reported on the following communications:

Bills paid since the January 24, 2019 Board meeting:

Lafayette – Fireside Inn	MUBEC-B Hudson Overnight	\$82.79
MMA November	Monthly Invoice	\$424.45
MMA December	Monthly Invoice	\$249.43
MMA January	Monthly Invoice	\$57.80
MMA February	Monthly Invoice	\$266.43
Stewart Brooks	Northern Workshop	\$51.96
Unlimited Conferencing	Conference Call	0.56

Approved

Mike Falvey                                      Northern Chapter                                      \$51.96

- E. Report of Officers and Treasurer's: Ben McDougal reported total assets as of December 31, 2018 were \$49,401.43 and as of January 31, 2019 were \$46,461.74, and February financials were \$45,156.95.

Motion made by Nick Adams, David Twomey seconded by, all approved the November, December 2018, January 2019, and February financials.

F. Report of Committees:

- 1) By-Laws Committee- David Twomey had nothing to report.

Need to update Article 3

- 2) ESBOF – Brian Longstaff reported the following:

- The Eastern States are happy with Brian Longstaff
- Good Conference/Successful

- 3) Education Committee – The Board reported on the following:

- Attendee Count to date - 57
  - Vendor Count to date - 11
  - Speakers – Missy White will be emailing all speakers today their speaker form
  - Door Prizes
  - Marketing: 75 Winter hats, 50 Summer Hats,
  - Sponsors – ICC will match IAPMO in sponsorship
  - Credit Points – Missy White to send out when Marketing
  - Missy to market MFCA MSFFF, PFF of Maine & deadline for Overnight Rooms
  - July Membership – Joan Kiszely to correspond w Barbara Skelton
- September – Energy Code Session  
November Mubec Training

- 4) IAPMO – Paul Demers reported on the following:

- Peter Kelly will be attending the Code Conference

- 5) Legislative Committee: Tom Lister emailed the following LD's of Interest to MBOIA:  
LD'S OF INTEREST 2019

LD 353 - This bill requires a recovery residence located in a house to be considered a one-family dwelling under rules concerning fire safety if the recovery residence has no more than 6 occupants and contains a fire extinguisher and smoke detector in each room. This bill also defines "recovery residence" as an alcohol-free and illegal substance-free shared living residence for persons recovering from substance use disorder that provides peer support and connects residents to support services and community resources.

## Approved

LD 397 - This bill requires the Commissioner of Professional and Financial Regulation to conduct an assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the licensing of building contractors, insulation installers and energy auditors. The bill requires the commissioner to submit a report to the joint standing committee on Innovation, Development, Economic Advancement and Commerce and allows the committee to submit legislation to the Second Regular Session of the 129th Legislature.

LD 506 PASSED AS AMMENDED- This bill provides civil immunity for architects, contractors, environmental professionals, land surveyors, landscape architects, planners and professional engineers who provide voluntary professional services during or within 90 days of a natural disaster or catastrophe when the services are provided under the applicable license or certification, are related to the natural disaster or catastrophe and are provided at the request of a federal, state or local public official, law enforcement official, public safety official or building inspection official. No immunity is provided for reckless or intentional misconduct.

AMENDMENT: This amendment clarifies that the immunity applies only when an emergency is declared by the President or the Governor. It also removes from the bill the provision of immunity for the 90 days after the emergency and it makes the language consistent with the Maine Tort Claims Act.

LD 562 PASSED AS AMENDED - This bill amends the laws relating to the State's regulation of the shore land zone as follows.

1. It requires the Department of Economic and Community Development, Office of Community Development to provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement. Current law only requires that the office provide basic training to code enforcement officers.
2. It increases the maximum per day civil penalty for a specific violation of a municipal land use law or ordinance from \$2,500 to \$5,000 and increases the maximum per day civil penalty for a specific violation of a municipal shoreland zoning ordinance occurring within an area zoned for resource protection from \$5,000 to \$10,000.
3. It provides that a municipal shoreland zoning ordinance must require an applicant for a permit for development within the shoreland zone to provide to the municipal permitting authority preconstruction and post construction photographs of the shoreline vegetation and development site

AMENDMENT: This amendment, which is the majority report of the committee, amends the bill by removing the requirement that the Department of Economic and Community Development, Office of Community Development provide both basic and advanced training to code enforcement officers in the technical and legal aspects of code enforcement and instead removes from existing law the designation that the training program required by statute be basic.

LD 671 - This bill requires that all property inspectors be licensed by the Department of Professional and Financial Regulation and directs the department to adopt rules to establish standards and procedures for licensure.

LD 855 - This bill requires that the Commissioner of Public Safety appoint a technical codes coordinator, an office specialist and a building codes trainer. It also requires that municipalities impose a \$3 surcharge on building permits and remit those funds to the Department of Public Safety to fund the Uniform Building Codes and Standards Fund.

Public Hearing on Friday, April 26, 2019, 1:00 p.m., State House, Room 436

## Approved

LD 921 – Upon receiving written approval from the Technical Building Codes and Standards Board, this bill authorizes municipalities to adopt building and energy code requirements that are stricter than those contained in the Maine Uniform Building and Energy Code.

LD 970 - This bill directs municipalities to develop policies in the comprehensive planning process that provide for accessory dwelling units, which are dwelling units located within a detached single-family dwelling unit.

LD 1041 - This bill amends provisions relating to collective bargaining by public employees covered by municipal public employee's labor relations laws, including:

1. Repealing the provision that prohibits public employees from stopping or slowing work, striking or blacklisting public employers to prevent the employers from filling vacancies; and
2. Requiring both parties to collective bargaining to have an individual present who is authorized to reach a tentative agreement.

LD 1169 - This bill requires the Technical Building Codes and Standards Board to amend the Maine Uniform Building and Energy Code to require that commercial buildings built or renovated on or after January 1, 2020 with occupancy exceeding 200 individuals have an operational automated external defibrillator on the premises. The bill also requires that retail pharmacies, rural health center pharmacies and free clinic pharmacies have an automated external defibrillator on the premises, and that an individual trained in the use of the defibrillator be present at all times the pharmacy is open to the public.

LD1509 - This bill adds the executive director of the Efficiency Maine Trust to the Department 6 of Public Safety, Office of the State Fire Marshal, Technical Building Codes and 7 Standards Board. The bill requires the Technical Building Codes and Standards Board to 8 amend the Maine Uniform Building and Energy Code so as to be consistent with the most 9 recent edition of the International Energy Conservation Code published by the 10 International Code Council, as well as the most recent edition of the International 11 Mechanical Code published by the International Code Council. Beginning July 1, 2020, 12 the bill also prohibits a municipality from adopting or enforcing a building or energy code 13 other than the Maine Uniform Building and Energy Code and requires that any 14 municipality that has adopted a building or energy code by July 1, 2020 adopt and 15 enforce the Maine Uniform Building and Energy Code.

LD 1543 – An Act to Amend the Maine Uniform Building & Energy Code

In addition Paul Demers reported the following:

855 and 921 are being considered for revision by their crafters, and I believe they have sought help to revise to a more supportable language as they may have included some errors that could have led to strong opposition from the administration. I hope to have some insight into the possible amendments by mid to late week.

The other important item for all of these bills, is that because 855 and the 00 amended budget recommendations, these are all going to "Criminal Justice" rather than the usual place we have testified in the past LCRED which has been replaced with "Labor and Housing". This change should not be a negative impact if the revision to LD 855 is reasonable as it hopes to smooth out the fiscal note attached to the re-creation of the Building Standards office. I have had some feedback from a few little birds that the \$3 per permit charge is irritating some. I have to say that others have also said that is nothing, charge \$10 if it means we will get some help.

- 6) NEBOEA Committee: Paul Demers reported on the following:

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- 7) NERC Committee: Paul Demers was absent.
  - Need some people to be on the Code Group that revises Code
- 8) Northern Update: Mike Falvey reported on the following:
  - Did Eastern Maine Community College training yesterday
  - Vice President: Jeff Wallace will be voted in for the Northern Maine Chapter
- 9) Website/Technology Committee: Justin Brown had no report.
- 10) Membership & Nomination Committee – Justin Brown reported on the following:
  - Fire Marshal Office: They want one Invoice for membership for Rich McCathy & he will add 20 people to his membership: FM 1, FM 2, FM3, FM4, etc. No names!
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- 11) Sprinkler Coalition Committee – Barbara Skelton had nothing new to report.
- 12) Scholarship Committee – Kathy Joiner reported on the following:
  - 4 Scholarships
  - 2 from Portland & 2 from Holden
  - 2 – Two day Scholarships – Holden
  - 2 – One days – Scholarship – Portland
  - Motion made by Paul Demers, seconded by Ben McDougal all approved that the Education Chair, Mark Stambach registration for the Code Conference.
- 13) CEO Committee – Brian Longstaff reported on the following:
  - Recommendation for a Presidential Service Award for the Annual Meeting

G. New Business:

**New Members:**

**Active Membership:**

Joshua Paul	Building Inspector	City of Bangor
Scott McElravy	CEO	Minot
Jeanne Wood	CEO	Sanford
Rebecca Albright	CEO	Lamoine
Douglas Ide	CEO	Hallowell

**Subscribing**

Steven Baxter	Fire Inspector	Bangor
Ray Mayo	NECHIPS Home Inspector Coalition	

Approved

Motion made by David Twomey, seconded by Freeman Abbott, all committee members approved the new active members & subscribing members.

The Good and Welfare of the Association

MMA Convention: Will not be offering a Session this year.

H. Adjournment: Motion made by Nick Adams, seconded by Tom Maynard, all approved to adjourn the meeting at 12:27 pm.