L.D. 1375
REPORT TO THE JOINT STANDING COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT

Resolve, to Establish a Working Group to Address Regulatory Barriers to Housing Construction

DECEMBER 31, 2025

Contents

Introduction

L.D. 1375, *Resolve, to Establish a Working Group to Address Regulatory Barriers to Housing Construction*, was enacted by the Legislature and signed by Governor Janet Mills in June 2025. The Resolve directed the Governor's Office of Policy Innovation and the Future (GOPIF) to convene a working group to examine and recommend solutions for regulatory barriers to housing construction in Maine. This report, submitted to the Joint Standing Committee on Housing and Economic Development, summarizes the regulatory barriers raised by members of the working group and provides recommendations for how the state can take action on some of those key barriers.

GOPIF staff convened the working group in August of 2025. Meetings were public and open to all interested parties. As directed by the Resolve, the working group included individuals and representatives of organizations with building and engineering expertise and state and local building code experience. Other participants included housing developers, trade associations, advocacy groups, and state agencies. For a full list of working group participants and affiliations, see Appendix 1.

An introductory meeting was held on August 13, 2025 via Zoom. Participants were invited to introduce themselves and to comment briefly on the issues that they thought presented the greatest barriers to housing construction in Maine. Staff grouped the resulting list of issues into four categories, which became four subgroups that would meet during the next four months:

1. Building Codes – Fire and Safety
2. Building Codes – Maine Uniform Building and Energy Code (MUBEC)
3. Zoning and Land Use
4. Permitting

Participants could choose to sign up for one or more subgroups. Between September and December 2025, the four subgroups met between two and five times each to discuss the barriers raised in greater detail and propose solutions. On some issues, the group saw broad agreement and proposed solutions, whereas some issues did not produce a clear consensus. Staff collected notes from all subgroup discussions, often supplemented by follow-up conversations with participants to add clarity and context.

Summary of Primary Recommendations and Outcomes

The following are recommendations and outcomes, described in more detail within the body of this report, which gained consensus or prevailing support from participants in the subgroups listed above. Their consensus or prevailing status, and inclusion in the list below, should not be equated with an endorsement by all parties that participated in the relevant subgroup, but is meant to indicate which proposals are likely to have both significant positive impact and receive widespread support.

1. Allow single-stair egress in buildings up to four stories tall, under certain conditions.
2. Delete from MUBEC the current provisions that require the installation of smoke curtains and two-way, text-based communication protocols in elevators.

3. Do not allow the State Elevator and Tramway Safety Program to require video cameras in elevators.
4. Direct the State Fire Marshal's Office to convene a stakeholder group, with a one-year time horizon, to study the housing and life/safety impacts of residential fire sprinklers and explore ways to lower their associated costs.
5. Improve training and support for the implementation of building codes and land use regulations by increasing the yearly budget for the Division of Building Codes and Standards at the Maine Office of Community Affairs from $300,000 to $750,000/year.
6. Identify state and federal supports for the education, water and sewer infrastructure and other local needs that are critical to successful housing growth efforts.
7. The work of the Maine Zoning Atlas should be continued, supported and expanded to include the location of water and sewer infrastructure.
8. Create a permit by rule under Maine's Site Location of Development Act for projects that meet certain criteria for limited environmental impact.
9. Adjust compensation for elevator inspector positions to be commensurate with the private sector.

Subgroup 1: Fire and Life Safety Codes

The Life/Safety Codes subgroup met five times and included a group of more than 50 stakeholders, including fire officials, local code enforcement officers, housing developers, architects, general contractors, elevator installers, researchers, legislators and state officials.

The subgroup deliberated on six specific ideas proposed by its members:

- Allow single-stair egress in 4-6 story apartment buildings
- Allow smaller elevators in smaller buildings while maintaining accessibility
- Don't require smoke curtains, video monitoring or two-way communication in elevators
- Permit wireless interconnected smoke detectors with 10-year batteries as an alternative to hard-wired systems
- Clarify that bulkhead basement doors qualify as emergency escape and rescue openings
- Make sprinklers optional in buildings of up to 4 units

PROPOSAL: Allow single-stair egress in 4-6 story apartment buildings

The Maine Uniform Building and Energy Code (MUBEC) allows new apartment buildings of up to three floors to be built with just one egress stair. Some builders and advocates recommend that single-stair egress be permitted in buildings of up to six stories, pointing to the square footage taken up by a second stairway that could otherwise be used for additional apartments. Many fire and safety officials urge caution with any such an expansion, citing concerns that the elimination of a second egress stairway could negatively impact the timely exiting of occupants due to smoke and fire conditions, as well as the safety of rescue personnel.

The Pew Charitable Trusts released new research earlier this year that focuses on this balance of interests, and concluded that there is no evidence of additional safety risks for 4-6 story single-stairway buildings, as long as sprinklers and other modern safety features are present:

> "From 2012 to 2024, fire death rates in modern single-stairway four-to-six-story apartment buildings in New York City were no different from those in other residential buildings; not one death in which the exit (or lack of a second exit) played a role was recorded in a modern four-to-six-story single-stair building in Seattle or New York City during that same 12-year period. Research from the Netherlands—where single-stairway buildings taller than three stories are common—also confirms that these buildings are safe.
>
> Single-stairway four-to-six-story buildings with relatively small floor plates cost 6% to 13% less to construct than similar dual-stairway buildings. They can also fit on smaller infill lots, potentially increasing the supply of apartments in high-opportunity urban and suburban neighborhoods. And to the degree that these modern buildings replace older, riskier buildings, or enable residents to move out of older housing, single-stairway apartments will actually increase fire safety."

Fire officials pointed out that the Pew research, while useful, examined fire safety records in New York City and Seattle – cities much larger than any municipality in Maine and which operate with the benefit of fire apparatus more capable of reaching the sixth floor of a building. They expressed concern that Maine's many small fire departments do not have the equipment necessary to reach sixth floor occupants unable to exit through the sole building stairway.

Subgroup participants also recognized that the Pew research focuses on *modern* buildings that have all the modern safety features found in other new apartment buildings, such as sprinklers, enclosed stairways, self-closing doors, and fire-rated walls. Their work did not attempt to study older buildings like those found in many Maine downtown areas.

Pew provided information to the subgroup about jurisdictions around the country that have already taken action to adjust their rules on single-stair egress. Montana, for example, is requiring the adoption of rules that allow the construction of one-stairway apartment buildings up to six stories tall under certain conditions. Colorado, Tennessee and Texas have taken similar action while others, including New Hampshire, now allow construction of such buildings up to four stories. The list provided by Pew is attached as Appendix 2.

FINDING: Following substantive discussion among stakeholders during subgroup meetings, consensus evolved that Maine should consider taking action similar to what New Hampshire has done, and allow single-stair buildings up to four stories tall under certain conditions including, but not limited to, the following:

> (1) There are four or fewer dwelling units per story;
>
> (2) The building is protected throughout by an approved, supervised automatic sprinkler system;
>
> (3) The travel distance from the entrance door of any dwelling unit to an exit does not exceed 35 feet; and

(4) The exit stairway is completely enclosed or separated from the rest of the building by barriers having a minimum 1-hour fire resistance rating.

The Office of the State Fire Marshal and the Maine Office of Community Affairs have since taken steps to effectuate this result, bringing the issue before the Technical Codes and Standards Board (TCSB) on multiple occasions. At the Board's meeting on December 18th, this change was approved and took effect immediately. MUBEC staff will post details on its website by January 17th.

PROPOSAL: Allow smaller elevators in smaller buildings while maintaining accessibility

Elevators in the United States are much bigger and more costly to install than in other parts of the world. The Center for Building in North America estimates that it costs about three times as much to install and maintain an elevator here as it does in high-income peer countries in Europe and Asia. The issues underlying this discrepancy are laid out in the Center's comprehensive 2024 report and this New York Times op-ed by the Center's Executive Director, Stephen Smith.

Builders and architects have frequently called out the size and expense associated with adding elevators in smaller 2-3 story buildings. State law does not require that elevators be included in such cases, leaving developers to decide between foregoing elevators altogether or adding them at considerable expense in terms of installation, maintenance and foregone square footage that could be used for other residential purposes. As further described below, new requirements and mandatory features in elevators are continually being added through code and statutory changes, driving up costs even further.

Maine law currently requires that "elevators installed in a building being newly constructed or in a new addition that extends beyond the exterior walls of an existing building…must be of sufficient size to allow the transport of a person on an ambulance stretcher in the fully supine position, without having to raise, lower or bend the stretcher in any way." MUBEC requires that elevators be able to accommodate a 24x84-inch stretcher, while the state's Elevator and Tramway Safety Program rules currently require enough cabin space for a 24x76-inch stretcher. The Department of Professional and Financial Regulation (DPFR) published proposed rule changes on December 3, 2025 which would harmonize that program's rules with MUBEC's larger stretcher size requirement.

Housing practitioners cite the costs associated with such rules as an unfortunate incentive for them to delete elevators from their plans for new small multifamily buildings, and point to the fact that other countries allow smaller residential buildings to install elevators that can still accommodate stretchers, just not in the supine position. A smaller elevator, they suggest, would still satisfy Americans with Disabilities Act (ADA) requirements while saving roughly $10,000 and allowing more space to be used for other residential purposes.

Emergency responders oppose allowing smaller elevators in smaller apartment buildings, given how frequently those elevators are used to assist aging residents with medical needs. They also spoke to the fact that, without elevators, personnel are required to undertake heavy lifts down stairways which result in greater injury and higher public costs, especially through increased worker's compensation claims. The Maine Fire Chiefs' Association (MFCA) contends that the proposal "prioritizes marginal upfront savings at the expense of long-term accessibility, safety, and tenant satisfaction."

FINDING: The subgroup was unable to come to consensus on this issue.

PROPOSAL: Don't require smoke curtains, video monitoring or two-way text-based communication in elevators

Elevator smoke curtains are fire protection devices installed in elevator shafts to prevent the spread of smoke from one floor to another during a fire. They deploy in front of elevator doors to contain smoke and fire within the shaft, preventing it from spreading to other floors.

Smoke curtains are now required under the latest version of MUBEC and are estimated to cost about $10,000 per floor. Installation is particularly challenging in building rehabilitation projects. The MFCA, while acknowledging that smoke curtains are not a requirement of the NFPA 101 Life Safety Code, did express the benefits of compartmentation to limit the spread of fire and restrict the movement of smoke.

FINDING: Following discussion of the cost/benefit associated with smoke curtains, the subgroup came to consensus that they may not add sufficient physical protection to justify their considerable expense, and the Legislature may want to consider deleting this requirement from MUBEC.

Also included in the latest MUBEC rules adopted in Maine is a new requirement that two-way, text-based communication protocols be added to elevators. While elevators have long been required to have a continuously monitored audio system for users to call for help and communicate back and forth with rescue services, the new rules require the installation of a more complex communications system, with visible text and audible modes that meet all of the following requirements:

- When operating in each mode, include a live interactive system that allows back and forth conversation between the elevator occupants and emergency personnel;
- Is operational when the elevator is operational; and
- Allows elevator occupants to select the text-based or audible mode depending on their communication needs to interact with emergency personnel.

These new requirements are meant to provide additional supports for those who are both hard of hearing and without a cell phone while riding in an elevator, though they are not mandated under the ADA. The cost of installation is estimated to be in the range of $5,000 per elevator but monitoring costs add further ongoing expenses.

FINDING: While members of the subgroup could imagine certain scenarios in which this new communication system could be beneficial, consensus emerged that this was not a high priority safety issue and may not be worth the added expense. The Legislature should consider deleting this requirement from MUBEC.

Finally, there is a requirement included in the newly proposed Elevator and Tramway Safety Program rules that video monitoring equipment be added to elevators as well.

According to the Center for Building in North America, this video camera mandate is part of the 2022 elevator code and is beginning to make its way into new elevators in the U.S. and Canada, carrying its own set of incremental costs:

> "Beyond the installation cost, there is also significant ongoing operational cost for both monitoring and for the new internet line that must be provided to enable video communication, which went unmentioned in the code change proposal to require these systems. Elevator monitoring is part of a broader market for round-the-clock active monitoring services that is growing in the U.S. and Canada, propelled by unique building code requirements not found at the same scale as in other countries. One company serving this market quoted the video monitoring and data connection needed to comply with this new requirement at $50 per month, plus tax… Video cameras in elevators are legally fraught in Europe, given European Union privacy regulation, and are likely to be illegal in Germany and Slovenia. This puts the U.S. and Canada on a technological island when it comes to video monitoring and communications, unable to benefit from economies of scale in research and development, or the more competitive market that comes from following global standards."

FINDING: Members of the subgroup did not identify this video camera equipment as worthy of the added expense that comes with its installation and ongoing monitoring costs. DPFR's Office of Professional and Occupational Regulation's (OPOR) Elevator and Tramway Safety Program (Program) is in the midst of an Administrative Procedures Act (APA) Rulemaking process to adopt the updated national safety codes and standards that apply to elevators and tramways (ASME A17.1 2022,) The Program will determine pursuant to the APA rulemaking process whether such a requirement is adopted. The rulemaking public comment period is open until January 2, 2026, and the Program solicited comments from the LD 1375 working group. If the Program adopts a video camera requirement, the Legislature may want to consider acting to override it.

PROPOSAL: Permit wireless interconnected smoke detectors with 10-year batteries as an alternative to hard-wired systems

Members of the subgroup proposed that wireless, interconnected smoke detectors with 10-year batteries be permitted in certain residential buildings as an alternative to hardwired, interconnected smoke detector systems with a battery backup.

The State Fire Marshal and MFCA generally see hardwired systems as more reliable but acknowledge that, in certain circumstances, wireless systems may provide sufficient protection while offering significant financial savings. The MFCA offered the following:

> "The NFPA's Fire Protection Handbook and UL standards recognize wireless sealed battery alarms as acceptable alternatives in retrofit applications, particularly where rewiring for hardwired interconnection is not feasible.
>
> Therefore, the Maine Fire Chiefs Association affirms the following:
>
> - Hardwired interconnected smoke detectors with battery backup are the preferred and most reliable option for new construction.

- Wireless interconnected smoke detectors with 10-year sealed batteries may serve as an acceptable alternative only in existing structures where installation of a hardwired system is impractical. Support for the use of wireless interconnected smoke detectors is contingent upon devices being listed and approved by a nationally recognized third-party testing and certification organization, ensuring compliance with applicable standards for reliability, performance, and safety.

The Maine Fire Chiefs Association believes that the appropriate application of these technologies in existing structures represents a practical, effective, and code-compliant option for increasing fire safety across the State of Maine."

FINDING: The consensus of the subgroup is to direct the State Fire Marshal to adopt the 2025 edition of NFPA 72 National Fire Alarm and Signaling Code, rather than the 2019 edition currently being utilized. This would recognize modern advances in technology and expand options for wireless or radio technology.

PROPOSAL: Clarify that bulkhead basement doors qualify as emergency escape and rescue openings

When Maine in 2021 adopted the 2015 International Residential Code for one- and two-family dwellings, it included a new requirement that all basements of more than 200 square feet must have an emergency escape and rescue opening (EERO). Builders have generally met this requirement by either installing a large egress window with a window well or by adding a bulkhead door with direct access to the outside, both of which have cost implications which are not insignificant.

Members of the subgroup indicated that code enforcement officers in different parts of the state are enforcing the new requirement differently. Specifically, some municipalities are not accepting bulkhead doors as EEROs.

FINDING: Both the State Fire Marshal and the MFCA confirmed that bulkhead doors do, in fact, satisfy state law so long as certain conditions are met. The subgroup came to consensus that specific guidance on this point should be sent to code enforcement officers by the Maine Office of Community Affairs (MOCA). This memo was issued by MOCA on December 18, 2025.

Further discussion focused on the more general need for additional support and training for code enforcement officers statewide.

PROPOSAL: Make sprinklers optional in buildings of up to 4 units

Maine law currently requires sprinkler systems in residential buildings with three or more units. Various subgroup participants raised concerns about the high cost of sprinkler systems as a barrier to the creation of needed housing units in Maine, especially when adding a third or fourth unit to an existing two-unit building. Even though the existing two units do not require a sprinkler system, the addition of one more unit requires that all three be sprinkled.

Such costs vary significantly based on the circumstances, such as whether the system can be hooked up to a municipal water system. A lack of workers in this sector is also driving up installation costs. HomeGuide estimates that "a fire sprinkler system costs $1.50 to $3.00 per square foot if installed during new construction or $2.00 to $7.00 per square foot on average to retrofit an existing building. The total cost of a fire suppression system depends on the home or building size and layout, system type, and pipe material."

Much of the subgroup conversation focused on possible alternatives to the current requirement that all three units be sprinkled when adding a third unit to a building – for example, by requiring that only the third unit have a sprinkler system if interconnected smoke detectors are added to the units as well.

Fire officials and others expressed strong concerns about any reduction in Maine's current sprinkler requirements, suggesting that doing so is likely to create unacceptable risks for both those living in subject housing units and the first responders who may be called upon to rescue them in the case of fire. They cited the demonstrated success of sprinkler systems in saving lives and urged that, instead of seeking to reduce their use, focus instead be on creating additional housing incentives for buildings that do include them.

Other subgroup participants pointed out that the lack of housing options, and the increasing cost of adding new housing units, was also putting Maine people at risk of harm – especially those who fall into homelessness.

The State Fire Marshal suggested that his office be directed to convene a longer-term working group on these issues, charged with attempting to find a path forward that could reduce the cost of sprinkler systems without unduly sacrificing safety. He emphasized that the complexity of the issues involved requires that more time be given to pursue solutions than is possible through the L.D. 1375 working group process.

FINDING: The subgroup came to consensus on this approach and recommends that the Legislature direct the State Fire Marshal's Office to convene a stakeholder group to study the housing and life/safety impacts of residential fire sprinklers and explore ways to lower their associated costs. Such a working group should be given a one-year time horizon and include representatives from the sprinkler industry, fire/safety officials, housing developers and other stakeholders with a variety of perspectives on these issues.

Subgroup 2: Maine Uniform Building and Energy Code (MUBEC)

The MUBEC subgroup met three times and included a group of more than 40 stakeholders, including local code enforcement officers, housing developers, energy experts, architects, general contractors, researchers, legislators and state officials.

The subgroup deliberated on 10 specific ideas proposed by its members:

- Improve the consistency of code adoption, training, and enforcement across Maine communities
- Increase flexibility for venting of plumbing installations

- Remove requirement for mandatory riser on septic tanks in subsurface wastewater regulations; request GPS location of tank on HHE 200 form
- Modify radon control requirements to only require under-slab piping and riser above slab
- Allow "shotgun" style 1-bedroom units in MaineHousing multifamily projects as they are allowed in the International Building Code (IBC)
- Clarify inspection, permitting, and certification processes for tiny homes
- Re-examine stretch energy code and other local codes that go beyond statewide code
- Reduce attic/roof insulation requirement from R-60 to R-49
- Reexamine the classification of climate zones for Maine's energy codes
- Adopt calculated snow load tables statewide

PROPOSAL: Improve the consistency of code adoption, training, and enforcement across Maine communities

Maine communities need support to improve awareness and support for codes and standards that lead to safe, quality, and affordable housing. That is why the Roadmap for the Future of Housing Production in Maine recommended reenvisioning the Housing Opportunity Program (HOP) to support communities through training and technical assistance.[1] Code Enforcement Officers (CEO) and planning officials are responsible for enforcing a vast quantity of codes and regulations, from the energy code to shoreland zoning and subsurface wastewater disposal. CEOs are often the first and last stop to ensure that these important standards are met for new buildings. With a wide range of responsibilities, CEOs need ample support and trusted guidance to ensure they can deliver effective code enforcement while meeting the needs of the community.

The Division of Building Codes and Standards (DBCS) within the Maine Office of Community Affairs (MOCA) oversees training and certification of CEOs and local plumbing inspectors (LPI) as well as adoption of the Maine Uniform Building and Energy Code. DBCS is responsible for training CEOs and LPIs in 13 topic areas including the MUBEC, shoreland zoning, internal plumbing, subsurface wastewater disposal, land use, and more. Funded almost entirely by fees from the review of public buildings, DBCS has historically been understaffed and under-resourced. With only two staff members, the Division can't answer every question that may arise from local code officials. Providing additional capacity within MOCA will allow the Division to open the phone lines to questions from CEOs throughout the state, while substantially increasing the volume of trainings across all parts of the state.

FINDING: There was broad consensus among the group about the need to substantially increase training and support for CEOs and LPIs. The group recommends improving training and support for the implementation of building codes and land use regulations by increasing the yearly budget for the Division of Building Codes and Standards (DBCS) at MOCA from $300,000 to $750,000/year. This will provide:

[1] https://www.maine.gov/decd/sites/maine.gov.decd/files/inline-files/A%20Roadmap%20for%20the%20Future%20of%20Housing%20Production%20in%20Maine_January%202025_V2.pdf

a. An additional position at MOCA to support training and education for code enforcement officers, builders, and the public;

b. Increased volume and coverage of trainings to ensure all CEOs and building professionals have access to training opportunities on MUBEC, land use and zoning regulations, and other skills required to implement Maine's building codes and standards; and

c. A "circuit rider" position to provide technical expertise and hands-on support for code enforcement officers and builders throughout the state.

DBCS is funded almost entirely by a "MUBEC surcharge" on the plan review fees collected by the Fire Marshal's Office for public buildings. Potential revenue sources for the budget increase include:

a. Existing revenues from MUBEC surcharge: **$300,000/year**. This covers current staffing, travel, training, and board expenses but may be insufficient after accounting for recent personnel cost changes.

b. Increase the MUBEC surcharge from 4¢ to 6¢ per square foot: **$138,000/year.** This would allow MOCA to hire a "circuit rider" to provide technical expertise and hands-on support to the CEO and builder community.

c. General fund appropriation: **$312,000/year.** This would cover significantly more code training throughout the state and an additional coordinator position at MOCA to manage increased volume and coverage of training.

d. Extend plan review to large multifamily buildings (e.g., 4+ stories or 16+ units) (amount unknown).

Several communities have taken steps to improve code enforcement through regional approaches that provide additional capacity and technical assistance to smaller communities. The Kennebec Valley Council of Governments (KVCOG) has hired a CEO that serves multiple towns with populations of fewer than 4,000 in Somerset County. This program is providing much-needed capacity to towns that would not otherwise be able to hire a full-time CEO. Other communities and regional organizations have expressed interest in this approach, and it could be scaled to a statewide program if funding were available.

FINDING: This report recommends establishing a pool of funding through the Housing Opportunity Program (HOP) to incentivize regional approaches to code enforcement through a 3-year pilot ($1,000,000).

Finally, the group discussed the need to improve consistency in the timing of adoption of codes and standards, including MUBEC, plumbing and electrical codes, and manufactured housing regulations. A concurrent working group for L.D. 1453 recommended re-structuring Maine's regulatory scheme for manufactured and industrialized housing to provide more consistency between the standards used for off-site construction and on-site construction. In line with those recommendations, a consultant should be hired to produce a plan for the state to improve consistency in adopting updates for building codes for site-built, off-site manufactured

components, modular, and HUD code buildings and to clarify the oversight and streamline respective liability for quality assurance.

FINDING: Commission a consultant study to improve consistency in building code adoption for site-built and off-site buildings ($250,000).

PROPOSAL: Increase flexibility for venting of plumbing installations

Option 1: Amend the Maine Plumbing Code to explicitly allow the use of air admittance valves (AAVs) in plumbing installations and educate local plumbing inspectors and code enforcement officers on the use of AAVs and their safety and suitability in certain situations.

Option 2: Adopt Appendix C of the Uniform Plumbing Code to allow single-stack venting configurations.

Air admittance valves are a device that can be used to vent fixture traps on sanitary drainage systems to avoid additional wall and roof penetrations, thereby bringing down construction costs. AAVs are not explicitly allowed in the Uniform Plumbing Code (UPC), which is Maine's adopted plumbing code. Many LPIs are not familiar with the technology and would require additional training to determine when and how it is appropriate to use AAVs. AAVs have been controversial in the U.S. and there is concern that they are a mechanical device that can fail in some situations.

An alternative approach could be to adopt Appendix C of the UPC, which allows "single-stack venting" configurations. Single-stack venting is commonly accepted in Europe and reduces the need for multiple roof penetrations, especially when plumbing fixtures are "stacked" over one another such as in medium-sized apartment buildings.[2] Single-stack venting simplifies plumbing configurations without the need for AAVs. The Plumbers' Examining Board could adopt Appendix C of the 2021 UPC in its entirety or insert language from Section c.601 (Single-Stack Vent System) into Chapter 9 of the UPC. Note that the 2024 UPC Appendix C contains some changes that reduce costs compared to the 2021 version.

OPOR staff commented that the UPC already permits parallel vent stack systems for buildings over 10 stories and allows alternative engineered designs, so adopting Appendix C may not provide additional flexibility or cost savings. They noted that adopting Appendix C in full would create broader code changes and increase complexity for plumbers and LPIs. Finally, they noted that adopting selected sections could slightly reduce material costs but would require systems designed by Professional Engineers, increasing design time and overall costs.

FINDING: The group did not reach broad consensus on this proposal, but noted that venting of plumbing installations is a continued area of interest for the housing community. The Center for Building in North America will be releasing new research on venting configurations in 2026, and the Legislature may wish to consider future reforms in this area.

[2] https://aspe.org/pipeline/an-optimized-sanitary-stack-configuration-for-mid-rise-multifamily-building-construction/

PROPOSAL: Remove requirement for mandatory riser on septic tanks in subsurface wastewater regulations; request GPS location of tank on HHE 200 form

Mandatory risers on septic tanks are a recent addition to Maine's Subsurface Wastewater Disposal Rule (Section 7(f)(2)(a) of Ch 241). Risers allow easier access and indicate the exact location of tank to avoid digging in the wrong place. If a septic system does not have a riser, the pumping service company will charge extra to dig up the access point. Risers can add $100-$300 to the cost of a septic system installation.

If the requirement for a riser is removed, group members recommended mitigating the ease of access issue by requiring the GPS location of the tank on the HHE 200 form (Subsurface Wastewater Disposal System Permit Application for Maine CDC). Both parts of the recommendation require a rule change.

FINDING: The group did not reach broad consensus on this proposal.

PROPOSAL: Modify radon control requirements to only require under-slab piping and riser above slab

The MUBEC Rules adopting the 2021 International Residential Code (IRC) added a new requirement that homes comply with the American Society for Testing and Materials (ASTM) 1465 radon control standard. ASTM 1465 is more restrictive than the radon control standard in the IRC (Appendix AF) and requires buildings to have a passing test for radon before issuing a certificate of occupancy. The standard was last updated in 2008 (before buildings were required to be air sealed and have mechanical ventilation).

Before adopting the ASTM standard as a requirement, Maine used the IRC Appendix AF for a radon control standard (not a requirement). It was determined that the code wasn't prescriptive enough, as there were systems that were failing because they weren't addressing what goes on below the slab. That is why the Technical Codes and Standards Board adopted ASTM 1465.

Radon is the second leading cause of lung cancer, according to the Maine Center for Disease Control. Maine is the 3rd worst state for radon-induced lung cancer. In Cumberland County, 2/3 of houses are above the EPA recommended action level for radon.

FINDING: The group did not reach broad consensus on this proposal.

PROPOSAL: Allow "shotgun" style 1-bedroom units in MaineHousing multifamily projects as they are allowed in the International Building Code (IBC)

"Shotgun" or "railroad" style units are a style of apartment where the rooms are arranged one after another in a straight line. These units can allow for a more efficient use of space for 1-bedroom

units, but they are not included in MaineHousing's QS&P Manual and require a waiver. They are not uncommon in market-rate projects and have been used in MaineHousing projects with a waiver.

These types of apartments may have bedrooms or other habitable rooms without windows. The IBC, which governs multifamily housing construction, does not require windows in habitable rooms, so these units are allowable under Maine building codes. The group noted that it will be important to confirm that this recommendation does not conflict with U.S. Department of Housing and Urban Development (HUD) standards for multifamily housing construction.

FINDING: The group did not reach broad consensus on this proposal.

PROPOSAL: Clarify inspection, permitting, and certification processes for tiny homes

Tiny homes currently occupy a gray area in Maine building codes. Maine statute defines a tiny home as a dwelling constructed on a frame or chassis that meets the National Fire Protection Association (NFPA) standard 1192 for Recreational Vehicles. However, no entities in Maine currently inspect or certify tiny homes as meeting this standard, giving CEOs no criteria by which to evaluate this housing type.

A December 2025 working group report for L.D. 1453 (*Resolve, to Establish the Housing Production Innovation Working Group*) recommended that Maine re-work its regulatory regime around manufactured and industrialized housing, and expand the definition of industrialized housing to include tiny homes.[3] This would mean that tiny homes would be covered by the same codes and regulations that govern modular and panelized housing. It is not likely that this would happen immediately, as additional restructuring would need to take place first before tiny homes are included in the standard. In the meantime, the Fire Marshal's Office is investigating whether it has the staff capacity to inspect tiny homes to ensure they meet the NFPA 1192 standard.

FINDING: The group did not reach broad consensus on this proposal. The recommendations by the L.D. 1453 working group would result in substantial updates to the way that tiny homes are regulated in Maine.

PROPOSAL: Re-examine stretch energy code and other local codes that go beyond statewide code

Option 1: Amend stretch code to align with the next version of the International Energy Conservation Code (IECC 2024)

Option 2: Remove the option for towns to adopt the stretch code

In 2019 the Legislature directed MUBEC to pass a stretch code that communities can choose to adopt that is more rigorous than base code. Three towns (Portland, South Portland, and Freeport) have adopted the stretch code. Maine's current stretch code requires the overall energy

[3] https://legislature.maine.gov/doc/12138

performance of the building envelope to be 15% better than the base code (which is based on the 2021 IECC) or 10% better if the home does not use fossil fuels.

Increasingly, modern building codes have been shown to provide cost savings and health and safety benefits, such as improved indoor air quality. To ensure long-term affordability, Maine's codes should result in cost savings over the lifetime of the building. The U.S. Department of Energy conducts cost-effectiveness analyses of each subsequent version of the code, but not Maine's "15% better" custom code.

A more predictable and cost-tested stretch code would be based on the next version of the code that Maine has not yet adopted (currently the 2024 IECC). Given that Maine is required to be within one cycle of the current code, the next code should always provide a "preview" of what communities can expect in the next adoption cycle. Future IECC versions (2024 and 2027) have a built-in stretch code appendix, which could make it easier to define a statewide stretch code in the future.

The group also discussed the option of removing the stretch code from the MUBEC, so towns would not have the option to adopt an energy stretch code. This would ensure uniformity across all jurisdictions in Maine.

FINDING: The group did not reach broad consensus on the proposal to eliminate the stretch code but agreed that the Technical Codes and Standards Board should continue to evaluate the cost-effectiveness of each subsequent version of the base energy code and stretch code to ensure that new codes result in energy and cost savings. DBCS is working with the Maine Department of Energy Resources to plan for technical and cost analysis to support the next code adoption cycle, likely in 2027.

PROPOSAL: Reduce attic/roof insulation requirement from R-60 to R-49

Option 1: Amend the MUBEC to reduce the insulation requirement from R-60 to R-49

Option 2: Move forward with adopting the next IECC version as required by statute

IECC 2021 (current version included in MUBEC) requires R-60 attic insulation in climate zones (CZ) 6 and 7 in Maine. Additional insulation adds to the upfront cost of the project.

The next version of the IECC (2024) reverted ceiling insulation requirement in CZ 6 and 7 back from R-60 to R-49. This change came in concert with other recommendations that improved the overall energy performance of homes built to the code. As Maine is required by law to adopt either the most recent or the previous edition of the IECC, it will soon be required to adopt either the 2024 or 2027 IECC, and with it the reduction in insulation values from R-60 to R-49.

FINDING: The group did not reach broad consensus on this proposal but agreed on continued study, as recommended above.

PROPOSAL: Reexamine the classification of climate zones for Maine's energy codes

Option 1: Classify all of Maine in the same climate zone (CZ 6)

Option 2: Move forward with adopting the next IECC version as required by statute

The International Code Council (ICC) classifies Maine into two climate zones, CZ 6 (covering most of the state) and CZ 7 (covering only Aroostook County). The most significant difference between the two climate zones in the 2021 IECC is that all new homes in CZ 7 are required to be equipped with a heat recovery or energy recovery ventilation system (HRV/ERV), whereas homes in CZ 6 are not. The 2024 IECC requires ***all*** new homes in Climate Zones 6, 7, and 8 to be equipped with HRV/ERV.

To ensure complete uniformity, Maine could classify the entire state as a single climate zone (CZ 6). Members of the group pointed out that there may be unintended consequences of removing CZ 7, e.g., losing some credits in the commercial code. Further study is needed to determine the potential impact of this change.

Alternatively, if Maine adopts the 2024 IECC, the requirements will largely be equalized across all climate zones in Maine.

FINDING: The group did not reach broad consensus on this proposal but agreed on continued study, as recommended above.

PROPOSAL: Adopt calculated snow load tables statewide

In the International Residential Code (IRC) and International Building Code (IBC), snow load tables are used to demonstrate expected snow loads at different locations and the design specifications that buildings must meet to withstand those snow loads. However, for many parts of Maine, the IRC and IBC have not published full snow load tables and instead require a "case study". For these locations, either municipalities or engineers working on individual projects are required to develop snow load calculations. This process can be costly and comes with liability risks for the individual performing the calculations.

FINDING: The group reached broad agreement that calculated snow load tables would benefit Maine communities and improve the uniformity of code enforcement. The Technical Codes and Standards Board should adopt calculated snow load tables that cover the entire state and are maintained as conditions change. This action will likely require capacity at DBCS to develop the snow load tables for consideration by the Board. The recommended budget increases at DBCS elsewhere in this report would allow the Division to take on a project such as statewide snow load tables.

Subgroup 3: Zoning and Land Use

The Zoning and Land Use subgroup was made up of more than two dozen stakeholders, including municipal officials, code enforcement officers, housing developers, architects, researchers and state officials.

The subgroup deliberated on four specific ideas proposed by its members:

- Support pre-approved building types to streamline local approvals
- Revisit the comprehensive plan process to prevent municipalities from scaling back on their designated growth areas in response to recent statewide zoning reforms
- Establish limits on local inclusionary zoning laws to avoid making housing development infeasible
- Create online zoning maps, overlaid with water and sewer infrastructure information

PROPOSAL: Support pre-approved building types to streamline local approvals

The general concept behind pre-approved designs is that by vetting certain kinds of building plans in advance, builders can avoid the often lengthy delays and costs associated with local permitting processes. Such plans are developed to satisfy building codes, zoning regulations and other requirements, and in so doing allow for the more efficient creation of needed housing units. A 2024 report from the National Association of Homebuilders declares that "[I]n the contemporary landscape of housing development and municipal planning, the concept of preapproved housing plans has emerged as a transformative tool, fostering efficiency and expediency in the housing approval process."

There have been many discussions over the past several years about how pre-approved plans could be deployed in Maine. The Housing Opportunity Program, now housed within the Maine Office of Community Affairs (MOCA), has sought federal funding for and worked with several local communities on the development of such a tool. Earlier this year, the Maine Legislature passed a resolve requiring MOCA to "contract with an appropriate consultant to establish a set of building types that municipalities may adopt as preapproved building types in order to reduce the cost and time associated with processing building permit applications." However, the $200,000 in funding necessary to carry out this work was not appropriated, so action has not been taken to effectuate it.

Members of the subgroup were in general agreement that the concept of pre-approved building types has merit and could help move smaller residential building proposals through municipal approval processes. However, there was also recognition that a great deal of design work has to do with the specific site conditions that exist on any given parcel, and it is difficult to impossible to adequately plan for those conditions ahead of time. Architects also pointed out that even modest changes required by municipal authorities would likely trigger the need for review and new plan stamps from licensed professionals – reducing the sought-after cost and time savings.

This issue has been observed in Bangor, the Maine community that has taken the greatest strides in establishing a pre-approved residential building design program. Local officials there have developed 4 sets of pre-approved plans: 2 accessory dwelling unit designs, 1 two-unit design and 1

three-unit design. They report that the cost of developing these designs was significant and that the ADU designs in particular are seeing some degree of modest uptake thus far.

It was also pointed out in subgroup discussions that U.S. building codes tend to impose a much greater degree of regulation on 3–8-unit buildings than 1 and 2 unit structures. The high regulatory hurdles and complexities associated with creating these smaller multifamily properties – the very properties that often represent the most significant local housing market gap – means that a successful pre-approved building design initiative should include plans for those building types as well.

FINDING: The subgroup consensus was that efforts should continue towards establishing a meaningful set of pre-approved building plans – to include both 1-2 unit structures and smaller multifamily properties with 3-8 units - that municipalities can opt to take advantage of, but there are likely inherent limitations in how much can be accomplished with this concept. Additional approaches to supporting smaller property developers, such as through guidance and training on how to plan and execute such projects, may be as or more practically useful. Vermont's Homes for All Toolkit is a widely championed example of such an alternative. That toolkit may also be more readily available within existing resources, likely making it a more practical next step in supporting modest development initiatives.

PROPOSAL: Revisit the comprehensive plan process to prevent municipalities from scaling back on their designated growth areas in response to recent statewide zoning reforms

Over the past 4 years, state lawmakers in Maine have approved some of the nation's most meaningful and celebrated zoning and land use reforms. L.D. 2003, enacted in 2022, established new property rights that allow homeowners across the state to do more with their land while also creating a statewide affordable housing density bonus. L.D. 1829, enacted earlier this year, built on that progress by capping minimum lot size requirements, allowing residential uses in commercial zones, and knocking down barriers to the creation of accessory dwelling units, among many other provisions. L.D. 427, also passed earlier this year, prohibits municipalities from requiring more than one off-street parking space per dwelling unit.

Most of these recently enacted laws were designed by lawmakers to align with and complement planning work undertaken at the municipal level. They specifically focus housing density incentives on areas where water and sewer infrastructure is already in place, as well as in designated growth areas identified by local governments themselves, through the Comprehensive Plans that they submit to the state for approval to support a legal foundation for zoning and to be eligible for state capital financing.

Some members of the subgroup expressed concerns that while these reforms are broadly popular among the public and are likely to lead to a significant increase in housing opportunities for Maine people, some municipal officials continue to resist them on the premise that they were approved outside of the traditional governance approach known as "home rule". There was also acknowledgment that some local governments have taken important steps forward to build upon recent state legislation and have been leaders in making additional progress.

Maine and many other states in the U.S. grant home rule authority to local governments on a host of issues, including zoning laws, but because local governments are "creatures of the state," states retain ultimate authority and can restrict or revoke home rule through legislation. States have historically preempted local decision-making in numerous situations when they have deemed it necessary to protect the health, civil rights or economic opportunities of its citizens. In the case of zoning and land use regulation, state lawmakers across the country, including Maine, have taken such action in recent years to effectuate the changes that most municipalities have struggled to approve on their own and which are generally considered necessary to meet statewide housing goals and support Maine's current and future economy.

The issue that subgroup members highlighted for state action is to ensure that the comprehensive planning process does not allow municipalities to frustrate the intent of state zoning and land use reforms by attempting to shrink their designated growth areas for the specific purpose of limiting housing opportunities overall in their communities. Participants noted that MOCA has recently been tasked with convening a stakeholder group to support rulemaking related to the growth management law, which governs the comprehensive planning process in Maine municipalities. That stakeholder group will provide input on the content of the rules necessary to implement recent statutory changes to the Growth Management Act (GMA), and their work may serve as an opportunity to help ensure that the administration of the GMA aligns with the intent of key laws recently enacted by the Governor and Legislature.

FINDING: The subgroup also discussed, and came to consensus on, the fact that municipalities generally need assistance with the infrastructure costs associated with even modest growth. State and federal supports for education, water and sewer infrastructure and other local needs are a critical element of successful housing growth efforts across Maine.

PROPOSAL: Establish limits on local inclusionary zoning laws to avoid making housing projects infeasible

Several members of the subgroup expressed concerns about the negative impacts of locally approved "inclusionary zoning" ordinances and seek state-level limitations on such measures.

Inclusionary zoning laws generally require housing developers to set aside a certain percentage of units in new housing projects as affordable for low-to-moderate-income households, with the general goal of promoting mixed-income communities and increasing the supply of affordable homes. Such policies vary greatly across the U.S. and their success in achieving their goals tends to depend on how well they align with the reality of local housing finance options.

The subgroup conversation was focused almost entirely on Portland's inclusionary zoning law, which was created over a decade ago but has more recently been modified in ways that some stakeholders contend has resulted in significantly lower housing production in Maine's most populous city. They propose that state lawmakers place restrictions on local governments' ability to pass such laws in the future.

FINDING: The subgroup was not able to come to consensus on this issue, but reference was made to implementation of the MBTA Communities Act, approved by the Massachusetts Legislature in 2021, which includes the allowance of a particular approach to inclusionary zoning at the local

level (up to 10% of units to be made affordable for households at 80% of AMI), while also permitting inclusionary zoning ordinances with deeper affordability requirements on a case-by-case basis if the community demonstrates to the state that such requirements are economically feasible. If the Legislature is inclined to consider action in this space, that approach may be worth using as a model.

PROPOSAL: Create online zoning maps, overlaid with water and sewer infrastructure information

The subgroup discussed the planning advantages of making local zoning maps available online, ideally also including the location of water and sewer infrastructure. That information could be valuable not only to large and small developers, but also to municipal and state-level planners and the public as communities seek to identify the right location for the creation of needed housing units.

A project called the National Zoning Atlas, along with its affiliates and partners in many states across the country, have been working towards this end over the past 5 years with a good deal of success. Users of these tools can zoom down to the neighborhood level to see what kind of residential uses are allowed. New Hampshire, for example, now has a robust zoning atlas that has been utilized to inform not just individual residential development projects, but also local and statewide land use deliberations. The New Hampshire Zoning Atlas is a free, interactive online tool showing local zoning, along with a new public data layer revealing where water and sewer infrastructure exists. As highlighted in a recent New Hampshire Public Radio story, "just 12% of the state's buildable land has access to either water or sewer services, and just 5.6% has access to both." That information has helped planners and lawmakers focus on efforts to address this infrastructure issue as part of their wider work to expand the state's housing supply.

A group of individuals and organizations have been working over the past several years to establish a Maine Zoning Atlas, and representatives from that initiative provided the subgroup with an overview of their efforts to date. With financial support from the Housing Opportunity Program, the Maine Community Foundation and others, the project has thus far successfully reviewed and mapped local zoning codes in 25% of Maine jurisdictions (in York, Cumberland, Sagadahoc, and Washington Counties). This marks the first time that such a large share of the state's zoning regulations can be viewed, compared, and analyzed in one place. The effort involved the review of more than 18,000 pages of local zoning codes in more than 1,600 zoning districts, the results of which may be found here.

The next phase of the Maine Zoning Atlas work is expected to focus on mapping Androscoggin, Kennebec, and Penobscot counties, three regions that represent a critical geographic and economic cross-section of the state.

Finally, it is worth noting that the team of code reviewers from the National Zoning Atlas, who undertook this mapping work on behalf of the Maine Zoning Atlas, concluded in a recent Portland Press Herald opinion piece that Maine's land use rules are the most complicated in the country. They suggested that state lawmakers consider taking action to simplify, clarify and help make more publicly accessible the local zoning and land use laws that homeowners, developers and planners must navigate in communities across the state.

FINDING: There was consensus among members of the subgroup that the work of the Maine Zoning Atlas should be continued, supported and expanded to include the location of water and sewer infrastructure. The subgroup also supports efforts to help communities digitize their zoning codes as part of that initiative.

Subgroup 4: Permitting

The Permitting subgroup met three times and included a group of 50 stakeholders, including local code enforcement officers, housing developers, architects, engineers, general contractors, researchers, legislators and state officials.

The subgroup deliberated on five specific ideas proposed by its members:

- Balance the need for environmental review with reasonable permitting timelines
- Create a streamlined "permit-by-rule" (PBR) for like-for-like soil transfers
- Reduce timeline and upfront expense for traffic movement permits (TMP) from MaineDOT
- Adjust compensation for elevator inspector positions to be commensurate with the private sector
- Explore the potential for artificial intelligence (AI) to improve the speed and efficacy of permitting

PROPOSAL: Balance the need for environmental review with reasonable permitting timelines

The working group noted that long timelines to receive permits from the Maine Department of Environmental Protection (DEP) can increase costs or cause projects to lose funding. This is particularly challenging for affordable housing projects because they are subject to funding deadlines from MaineHousing that, if missed, can prevent a project from moving forward.

The working group focused primarily on permits for Maine's Site Location of Development Act (SLODA or "Site Law"). The law requires DEP to evaluate projects that meet the statutory definition of a "development of state or regional significance" that may substantially affect the environment. The speed of review is dictated by the complexity of review required, completeness of applications, and limited staff at DEP.

Working group members proposed several options that would help the state balance the need for environmental review with reasonable maximum timelines. One idea is to offer a "permit by rule" (PBR) under Site Law for projects that meet certain criteria, such as brownfield sites and projects on public water and sewer. A PBR would allow certain projects to proceed without a full permit application if they meet specific standards outlined in the rules. A PBR would establish a timeline (e.g., 45 or 60 days) that is shorter than today's typical processing timelines due to the smaller number of resources required to review a PBR application.

FINDING: The group was widely in agreement that DEP should offer a permit by rule (PBR) under Maine's Site Law for projects that meet certain criteria (e.g., brownfields, on public water and sewer, and not affecting wetlands). DEP has statutory authority to undertake rulemaking to create a

PBR under Maine's Site Law. A pending bill, L.D. 128, which was carried over from the first session of the 132nd Maine Legislature, would clarify that these rules are routine technical rules. DEP should continue to conduct stakeholder engagement around this issue to ensure that a PBR relies on appropriate criteria and results in projects that are beneficial for Maine communities and the environment.

A second idea proposed was to implement a "shot clock" or maximum review timeline for Site Law applications, after which an application would be automatically approved. This would impose a deadline (e.g., 30 or 60 days) by which DEP would need to issue a decision on a permit. If a decision is not made within the deadline, the project is automatically approved. This would provide developers with more certainty on permit timelines and would encourage DEP to prioritize the projects with more complexity and greater potential environmental impact for review first. DEP staff noted that it would be nearly impossible to meet a 30–60-day deadline for most projects within current resources. New Hampshire recently passed a bill implementing a 60-day maximum timeline for environmental review, which also included fee changes and additional staff at the Department of Environmental Services. It is important to note that New Hampshire does not have a single, comprehensive Site Location of Development law like Maine has, meaning its environmental review process is likely less time-intensive overall.

FINDING: While some members of the group advocated for a shot clock, the group was unable to reach consensus to recommend this approach. Without a clear picture of the additional amount of time and staffing needed at DEP to reach the proposed deadlines, this option is unlikely to achieve the intended outcome of balancing the need for environmental review with reasonable permitting timelines.

Group members raised several other ideas that could help to increase the efficiency of permitting, but the group did not deliberate in enough depth to make recommendations on any of the issues below:

a. **Raise threshold for Site Law subdivision review.** L.D. 128 carry-over bill would change the definition of subdivision under Site Law to allow lots that include detached residential housing designed to accommodate up to 4 dwelling units.
b. **Raise threshold for municipal subdivision review.** L.D. 1829 raised the threshold for municipal subdivision review from 3 ***units*** to 5 when dividing a building into multiple units. Further action could raise the subdivision threshold for dividing ***lots*** from 3 to 5 as well.
c. **Delegate more municipalities to review applications under Site Law and stormwater law.** DEP already has statutory authority to delegate review to municipalities for certain projects with limited environmental impact, and where the municipality demonstrates the capacity to conduct adequate review.[4] Expanding this practice may help to alleviate the workload of permit review at DEP.
d. **Make it easier to transfer the name on permits.** It is common practice for affordable housing projects transfer from one business entity to another in order to claim certain tax credits. DEP noted that there is a public notice requirement that requires at least 30 days. This rule exists primarily to ensure that the entity assuming responsibility for the project has the capacity to comply with the conditions of the permit.

[4] 38 M.R.S. §489-A

e. **Rely on civil engineers' stamped drawings.** Allow engineers to check the boxes to reduce the need for detailed environmental review at DEP.
f. **Allow some wetland infill for housing.**
g. **Encourage more cluster subdivisions to shorten roads and preserve open space**. A cluster subdivision groups homes closer together on smaller lots, allowing developers to preserve large portions of the land as open space, like parks, woods, or wetlands, rather than developing every parcel. Wilbur's Woods in Brunswick is an example of a cluster subdivision.

PROPOSAL: Create a streamlined "permit-by-rule" (PBR) for like-for-like soil transfers.

Current DEP processes for managing soils in redevelopment can cause long delays. Rules under the solid waste and beneficial use programs require sampling and permitting to ensure contaminated soils aren't relocated to cleaner sites. Developers face delays and costs when moving soils between sites, even when both are similarly contaminated. A PBR that requires developers to demonstrate "like-for-like" could offer a simplified permitting pathway.

The state could also expedite permitting or provide exemptions for sites where the state already has oversight such as brownfields or sites affected by the Voluntary Response Action Program. An exemption could be added to the rules that would cover those sites.

Participants also noted that the classification of arsenic as hazardous can pose a problem, particularly for urban infill. Arsenic is already high in many Maine soils. Developers reported paying $250,000 to send contaminated soils to a waste facility, or shipping them via train to Ohio. The group also noted that disposal capacity for soils is severely limited and there is no centralized agency charged with assessing disposal capacity and proposing new locations to contain waste.

FINDING: The group did not reach consensus on this issue but noted that both a PBR and an exemption for state-oversight sites would require major substantive rule changes.

PROPOSAL: Reduce timeline and upfront expense for traffic movement permits (TMP) from MaineDOT.

Under state law, any new development that generates more than 100 trips must receive a traffic movement permit (TMP).[5] The speed of approving a TMP permit is limited by factors such as application completeness and the timing of traffic counts, which can only be accurately collected during certain times of the year. TMPs last for seven years, but many larger housing projects are phased over 10-15 years, meaning that TMPs may expire before the project is completed.

MaineDOT has already taken steps to address developer concerns in this area, such as:

a. Extending TMP beyond 7 years in certain situations;
b. In phased developments, offering phased mitigation and accepting partial impact fees where feasible;

[5] 23 M.R.S. §704-A

c. Allowing developers to recoup some of the permit fees from another developer that comes in later and benefits from the improvements (similar to electric utilities); and
d. Assisting municipal planning boards to understand and trust the trip counts generated by traffic engineers.

It's not apparent from statute that these options are available. A statutory change or additional guidance documents from MaineDOT would increase developer confidence when planning housing projects.

FINDING: The Legislature should consider making changes to the TMP statute to:

a. Allow developers to stagger when fees are paid;
b. Extend the timeline for a TMP beyond 7 years; and
c. Allow developers to recoup some of the impact fees If another developer comes in later and gets the benefit of the improvements.

PROPOSAL: Adjust compensation for elevator inspector positions to be commensurate with the private sector.

OPOR only has 2 full-time elevator inspectors covering the entire state. In times of increased housing construction, this has made it difficult to meet the 2-week timeline for inspecting elevators. OPOR had several failed searches for elevator inspectors and in an effort to attract applicants, OPOR recently worked with Human Resources (HR) to complete a job audit which recommended raising the salary grade from 20 to 24. OPOR received approval from HR to post the positions with the new salary increases and OPOR is actively recruiting.

Additional steps that OPOR has taken to alleviate this issue include:

a. Worked with HR to adjust the position specification experience requirements to allow more flexibility for OPOR to hire and train the right person. Previously, applicants had to have two years of elevator inspection experience. Now applicants can have a combination of education, training and/or experience in inspection and enforcement of federal and state elevator laws, rules, and regulations. Applicants must complete the American Society of Mechanical Engineers (ASME) Standard for the Qualification of Elevator Inspectors (QEI) certification to attain permanent status. OPOR will provide assistance in obtaining QEI certification including on the job training, NAESA International (National Association of Elevator Safety Authorities) certification, and coursework.
b. Providing temporary certificates for elevators in certain limited circumstances so builders can finish construction prior to the building being occupied.
c. Piloting the use of 3rd party inspection agencies for elevator modernization.

FINDING: After discussing the challenges facing OPOR when it comes to hiring elevator inspectors, the working group reached consensus that OPOR should proceed with recruiting for elevator inspector positions at the new salary grade, and that industry stakeholders can assist by raising awareness about the open positions.

PROPOSAL: Explore the potential for artificial intelligence (AI) to improve the speed and efficacy of permitting.

The 2025 Artificial Intelligence Task Force report noted that AI has the potential to help streamline permit and license application, review, decision explainability, and status transparency, both at the state and municipal level.[6] AI tools are already being used to improve the speed and effectiveness of permitting, such as the City of Corona, CA, which is using an AI tool to identify incomplete building permit applications.[7]

FINDING: The working group heard from GOPIF staff about some of the potential uses for AI in permitting that were discussed in the Governor's AI Task Force. While the group did not deliberate in depth on the use of AI, they agreed that as the state continues to investigate and support beneficial uses of AI, improving the speed and efficacy of permitting should continue to be a top priority.

[6] https://www.maine.gov/future/sites/maine.gov.future/files/2025-10/_AI%20Report_DIGITAL.pdf

[7] https://www.route-fifty.com/artificial-intelligence/2025/04/california-city-turns-ai-meet-housing-goals/404961/

Appendix 1 – Working Group Participants

Name	Affiliation
Laura Mitchell	Maine Affordable Housing Coalition
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Brian Hubbell	GOPIF
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Corinne Watson	Tiny Homes of Maine
Steve LeBrun	City of Lewiston
Peter Connell	Capitol Affiliates

Bill Nash	International Code Council
Julie Ann Smith	Manufactured Housing Association of Maine
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Ben Brennan	KONE Elevators
Seth Parker	Bath Housing
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Ryan Johnston	Town of Skowhegan
Dave Groder	City of Augusta
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Eamonn Dundon	Portland Regional Chamber of Commerce
Eric Cousens	City of Auburn
Gary Wagner	City of Westbrook
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Appendix 2 – Table of State Reforms Related to Single Stair Egress

Eight States Have Passed Reforms to Allow Single Stairway Mid-Rise Apartments Since 2024

State	Bill description	Max. floors allowed	Opt-in provision for jurisdictions
Tennessee (2024)	Allows local jurisdictions to adopt building code sections allowing one stairway buildings up to six stories tall.	6	Opt-in
Connecticut (2024)	Allows single-stairway buildings to be taller than the three-story limit after the adoption of implementing regulations and requires municipalities who adopt the building code revisions to have sufficient fire service capacity.	4	No – they only have a state building code
Oregon (2025)	This follows passage of a 2023 law requiring consideration of the issue. The Oregon Building Structures Board approved an optional appendix, which can be adopted by individual jurisdictions to allow single-stairway apartment buildings up to four stories tall and up to four units over a maximum area of 4,000 net square feet per floor.	4	Opt-in
Hawaii (2025)	Requests the State Building Code Council update the state code to allow single-stair apartment buildings up to six stories.	6	N/A
Montana (2025)	Requires the adoption of rules allowing the construction of one-stairway apartment buildings up to six stories tall	6	No, required

	under a certain set of conditions.		
Colorado (2025)	Requires municipalities with a minimum population of 100,000 to adopt code provisions that allow the construction of one-stairway apartment buildings up to five stories tall.	5	Required for jurisdictions of 100k+, allowed for jurisdictions under 100k
Texas (2025)	Updates the state building code, which jurisdictions use but are free to amend, to allow single-stairway apartment buildings up to six stories under a certain set of conditions.	6	Becomes part of state code, with jurisdictions allowed to opt out
New Hampshire (2025)	Allows single-stairway buildings up to four stories tall, if each floor is less than 10,000 square feet and certain fire safety provisions are met.	4	No, required

Source: Pew's analysis of state bills from 2023 to 2025.