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House Legislative Sentiments
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HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-983)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (H-984)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Uniform Building and Energy Code"

(H.P. 1619) (L.D. 2257)

TABLED - April 10, 2008 (Till Later Today) by Representative SMITH of Monmouth.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. When I consider what it means to mandate communities and individuals, that the government is going to decide how much money they need to spend on insulation and which windows are allowed to be put in their new houses, I hit a line that I am unwilling to cross. When did it become not about what I want and become what others want me to do? That is what people are complaining about to me with respect to government intervention in their lives.

Codes are intended to protect individuals. Fire codes are designed to keep people safe from the dangers of fire. Electric codes are designed to protect the individuals from electrocution. Plumbing codes are to prevent unsafe situations where wastewater is not able to flow, and homes and businesses would have dangerous gases built up in them. Building and life safety codes are to protect against structural and dangerous situations that occur in construction and various buildings and structures that we occupy. Energy codes, on the other hand, are being sold as a way to protect us from apparently being foolish with our money. Nothing in the development and mandating of energy codes has to do with protection of life or property.

I will not dispute that there are many incidences where the inclusion of the aspects of what is presently presented here today, in regard to energy codes, would make great economic sense for people. I do, however, object to the forcing of these codes on people who are content with the way that their home is designed and built. Even though it might not be built as well as what the promoters of this code would like to have, the Utilities and Energy Committee recently passed model energy code legislation, which allowed the communities that wanted to implement an energy code would have the ability to adopt that code. This made the code permissive, but not mandated on communities. I was comfortable with that method of implementation. I will not, however, support mandatory energy codes where the ink is barely dry on the previous bill.

We often hear complaints about the camel's nose under the tent when we pass laws here in this House. Well, Ladies and Gentlemen of the House, I smell a camel and, watch out, it spits. If we want to build or force their builders to build to the standards in this code, we must educate them on the value of the codes before we force it upon them. The model code legislation, previously passed, would do that and allow for education and implementation of the model energy code where communities want to, but it would not be a mandate.

I support the Minority Report of LD 2257. It removed references of the mandatory implementation of the International Energy Conservation Code. We already have legislation on the books that allows for a systematic rollout of this code, and I will not support expanding the effect of that legislation so soon. This is an example of how we cannot trust that the actions of one vote will not be soon overridden by later actions. This body is never satisfied by compromise or agreement on an issue. Vote with me

in defeating the Majority Report, so that a reasonable and perfectly acceptable alternative can be brought forward in the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. We can usually agree on the what, the objective, the goal. Where I have noticed that we tend to diverge is on the how, the means to achieve that goal. This is an example of that in my mind.

There is no question that a uniform building code and even a uniform energy code is the right way to go, so we can all conform to one standard, there would be consistency from one town to another. What I have issue with is the fact that we, I guess, have come to the conclusion that the people of the State of Maine and the towns are unwilling or unable, or in other words do not have the mental capacity to acknowledge that these are good codes, they will save people money, and that they should implement them. So because of that apparent conclusion, we are now, 186 of us, in our infinite wisdom are going to force them to accept the standard which should be very logical and freely accepted by rational people. That is where I think the problem is.

Now, we have implemented and designed the model codes for energy and building. I believe, based on what I have seen from the people of the State of Maine, that if they are given the information, they will follow those codes and they will follow them because they value them, because they know they will work, they know it is the right thing to do, both from a whole group of areas. What I think is totally inconsistent is the fact that before they have really had a chance to understand the value, we are going to mandate it, we are going to give them no choice, this will be an action of this 186 of us in our infinite wisdom have said you will never understand them, never accept it, so we are going to have to force them upon you. I do not believe that. I and I am sure that you and your communities, people will make the right decision when they are given the opportunity and the information. What we have not done, in my view, is given them the appropriate information in the right form to understand it. Now none of us wants to waste energy, who would? But to say that we are going to impose the standard that will require there to be a blanket approach and be requiring people without their consent to conform to that is where I cannot accept this piece of legislation in the Majority Report.

What I would suggest is a more appropriate means of achieving our goal is to educate people, let them understand the value and they will do it because they know it is right for them and for a whole group of reasons. I would ask you to defeat the Majority Report, let the people of Maine make the right decision and to show your confidence in them that they will do and follow the right standards. I have watched a lot of things happen in this body and I think it is all done with the right intentions, but in this case we have not given the people of Maine the credit that they deserve and have earned to be making the right decisions for themselves. We can achieve the objective, I agree on the objective. I do not accept that mandating, forcing, requiring and passing laws to require people to do what I think they will do anyway is the right way to really reinforce our freedom of choice in this country. Thank you very much, Mr. Speaker.

Representative DUPREY of Hampden assumed the Chair.
The House was called to order by the Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Augusta, Representative Silsby.

Representative **SILSBY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the Majority Report before you on the statewide uniform building code and I want to tell you why. I sit on the BRED Committee and listen to significant amounts of testimony about the support and the importance of this bill to the Maine's economy. I can indemnify three primary reasons that I would like to share with you and why I rise to support this pending motion.

First, similar to many towns and cities throughout our state, my city, Augusta, has struggled with vitalizing our beautiful, historic downtown. Many investors and business leaders have tried so many different strategies to bring back the downtown to the thriving commerce that it once was. I have great respect for my city leaders and the city leaders throughout our state who have struggled with this issue. Probably the single greatest challenge to this progress is the challenges presented when working with all the different codes that we have: building, rehab and life safety code. The lack of harmony in these codes has been a brick wall for developers and business leaders who have looked into investing in our downtown. This bill that is coming forward to us will hopefully harmonize, it will create a board that will create codes that will harmonize and promote the development of our downtown. The Majority Report allows the board to resolve conflicts, between and among these codes, not simply identify the conflicts.

Second, I believe that the Majority Report recognizes the individual differences between our towns and cities. You all know that I have made a couple of speeches saying that we do need to recognize the differences between and among our towns. In the Majority Report, we have identified four different implementation and enforcement mechanisms and those are listed in a couple of handouts that you have had passed out to you: First, towns may choose to enforce the codes with code enforcement officers right on staff; that will probably be what happens, in my case, in the City of Augusta. Second, towns may contract for enforcement through collaborative, regional opportunities. Third, towns may employ a joint or regional code enforcement person, which might be on the county level. Or finally, an opt out provision in favor of a state certified code inspector, which will be paid for by the builder. These different enforcement options allows cities and towns to choose the best and most reliable method for their town, again, which respects the individuality of each of our cities and towns, thus the reason why I supported the Majority Report.

Finally, there is significant training and education for code enforcement officers and these state certified code inspectors offered through the State Planning Office. I think it is critical that we provide the education necessary to move forward in harmonizing these codes. I believe that we have a reasonable timeline. It is not going to be adopted until 2010 and enforcement in 2012. I think that is a reasonable timeline to be able to make sure all of our cities and towns are up to speed. There is a variety of stakeholders on this harmonizing board, and in addition to that, there will be input that will come later as this board begins working, and they will work and report to the BRED Committee. Ladies and Gentlemen of the House, I believe the Majority Report is a win-win situation for everyone, and I hope that you will join me in voting for the pending motion. I know that it will benefit Augusta, and I know that it will benefit the entire State of Maine. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Topsham, Representative Prescott.

Representative **PRESCOTT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. There is no doubt

that the time has come for statewide code for continuity and consistency from town to town. This is our chance to build it solidly and with stable legislation. The Minority Report does just this. It is the framework on a solid foundation that has been poured. It doesn't force mandates or energy codes; it just creates uniformity on which we can build upon from here. Let's not bite off more than we can chew. We can educate the energy code, provide a choice, and let the process work. For a simple and basic code with consistency through the state for this industry, vote for the Minority Ought to Pass and follow my light. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Oakland, Representative Conover.

Representative **CONOVER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise very briefly in support of the Majority Ought to Pass Report. Colleagues, if you bought a new home, a brand new home, a building in Maine, wouldn't you assume with minimum standards? For example, there was relatively energy efficient. I think it is a reasonable assumption and widely shared in Maine and that is why I was very shocked to learn that 85 percent of new homes in Maine—again, 85 percent of new homes in Maine—don't meet a minimum energy efficient standard. It would be foolish and, I can say from personal experience, irresponsible, I think, to believe that all consumers in the market will be able to tell whether a new building or home is reasonably built and somewhat energy efficient.

Friends, when we buy a car, it comes with a miles per gallon sticker. That is very important to us, particularly nowadays with gas being a little unreasonably high, but we won't go there. When we buy a refrigerator, it comes with an energy rating that is easy to read and understandable so we can make that investment in energy efficiency, both to save us money on our electric bills but also to protect our planet. But the biggest investment in our lives comes with nothing. Basic building and energy codes provide simple protections for consumers, and when we implement them across the board in a consistent way with good training and simple enforcement, the benefits are much greater. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. You listened to Representative Fletcher; he made a very good presentation. I do want to speak on behalf of those who do not have the mental capacity to understand this particular LD. At what point will we stop asking government, or big brother, to protect us from ourselves? I realize that speaking on the floor of the House does not change minds; however, as Alexander Pope once said, hope springs eternal. However, I do feel compelled to speak on behalf of a small sawmill operator in the State of Maine.

This international code will require that all structural and sheathing materials must bear a grade stamp. Many small mills, mills like my own, will loose sales because these products cannot be used if this building code goes through. These small sawmills and portable mills and band saws that have allowed Mainers to cut wood from their property and build their homes and businesses will be out of business, and the cost of building a home will suddenly be beyond reach of many. We, in Maine, depend on the small sawmill to build our homes and, in many cases, especially rural Maine and Aroostook County. Thank you very much, Mr. Pro Tem Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I want to start just by saying that I have never questioned the mental capacity of the people of Maine, nor will I ever. Thank you.

I do want to address, you have a couple of flyers coming out fast and furious, I think a blue one that I put out that I prepared trying to summarize where we are now, the purpose of the statewide building code, and then outlining the differences between them. At the bottom of it, I put the statement: Finally, we have a bill that is seen as pro-business, pro-labor, pro-environmental, and pro-consumer. I cannot think of another bill that has met that criteria. I want to hit one brief aspect of that and that is the pro-business climate. Regardless of where you are in the spectrum of perspectives here in this body, it is reasonable to say that it is reasonable for businesses to expect a consistent business climate. That is what this bill does, both within geography so that there is the same standard statewide, but also in timing.

The point had been made earlier, I believe an error, that the alternative to the pending motion accomplished the goal of a consistent environment. It does not. Please note that this Report before us does not repeal the board of oversight, the training, and the technical support in 2012. Your other alternative does repeal the backup. That is not a consistent building environment. What we want here in order for growth where it makes sense in our state statewide, is predictability, consistency for consumers, for homeowners, for the citizens of Maine as well as the businesses. Please support the pending motion and you will get just that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Miramant.

Representative **MIRAMANT**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just was reminded of how many calls I got this year about energy use in homes. Sometimes I have said the same thing on the floor, when we have had a bill that is about us being elected as leaders and having the information to look into the future, while many of our constituents do, too, they don't get all the information, we do. This helps us look into the future.

We know that energy costs are not going to go down and that wasting them is not something we want to do. We also want to help those folks who keep calling and saying they can't afford this energy, and one of the best ways to stop those calls is to reduce the use, and we can do that very easily with the technology we have now by doing very simple things as a house is being built. It can't be done easily or cheaply after it is built. This protects the folks that are getting a house right now; this protects the folks that will be getting that house in 100 years from now or maybe further into the future if they are built well. That is why this needs to be enforced in some way. It also must require energy efficiency standards. This is something that we should have done before, but we have an opportunity right now to make sure it happens for the future. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I rise just to say that we do have a rare opportunity. I agree with my good colleague from Camden: this is a rare opportunity for us to pass a statewide building code. I know there are some of you that are anxious about the energy aspects; there are some of you that are anxious about enforcement aspects. I appreciate those anxieties. One way or another, I think it is exceedingly important in this session of the Legislature; we pass either the Majority or the Minority Report, but end up, the last session, the 123rd

Legislature, with a statewide building code. This is an extraordinary opportunity, we must not squander, and I beg you to please consider that and take effective action one way or another. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Bliss.

Representative **BLISS**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I am stunned that a colleague of mine would suggest that this is a bad bill because it may prevent a business from selling substandard products.

We are absolutely, uniformly concerned about the cost of energy. We hear about it from our constituents all of the time. We struggle with how high the cost of electricity is and the costs of natural gas, and the cost of gasoline and home heating oil. We struggle with finding ways to help our constituents lower their energy costs. Most of the time, those constituents don't really have a grasp of the kinds of things they could do themselves to make their homes more efficient and save money. I am delighted there is an energy code as part of this building code. I am a little surprised that it has generated so much discussion here, because it is so simple and so clear: Adding an energy building code to what we ask is the best way to help our constituents save money on energy. And as those costs continue to skyrocket, we have a larger and larger responsibility to help them do that. This is such a simple way to do it.

Now some of you are concerned because you are in very small municipalities. I would draw your attention to the fact that this bill very clearly excludes municipalities with lower than 2,000 people. I know, also, that in many arenas, we, as a body, are hesitant to take action because we don't like to lead the pack, we don't like to be the state forging in the front and trailblazing in any area. Mr. Speaker and colleagues, there are already 40—there are already 40—other states that have adopted these types of codes. I urge you to vote for this motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Fletcher.

Representative **FLETCHER**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I do believe in consistency, and I do believe that we should have uniformity. The one thing that I see in this bill, which I really cannot explain, is why this only applies to communities greater than 2,000 people. Being a little bit sarcastic, which I will take the opportunity to do and will hopefully not offend anybody, do we assume the people in towns less than 2,000 don't need to be energy efficient or have uniform standards? I would contend that the people in this state, whether they are in a town of 2,000 or more, or 2,000 or less, would come to the same logical conclusion that a uniform building code is important and they will follow that, and those municipalities will agree to follow that. Now maybe there are extenuating circumstances that they aren't quite ready to do it yet, and I think we should respect that, and what we can do is have a uniform standard that will apply everywhere in the state and allow the communities to do what they do and manage their particular areas.

The energy code is very important, I agree, and we should have a uniform energy code and we do have a uniform energy code. The distinction is we are not forcing people to comply with it until they are ready. I believe that when people look at their options to reduce their energy costs and their environmental footprints and everything, they will make the right decision. I have a great deal of faith in the people of Winslow, as well as the state, that given the information, they will make the right decision. I do not think it is appropriate for us, in our infinite wisdom, to impose and mandate that on them and, when, in fact, we do not

even have a full understanding of the costs of implementation, who is going to be paying the bills, and is it ultimately going to be paid by the homeowner who is probably struggling right now to be able to purchase a new home.

Let us do what is reasonable: Let us defeat the Majority Report, go with the Minority Report, and trust the people of the State of Maine to make the right decision. We can achieve the objective; we will achieve the objective, but do not force upon people. Maine people do not like it, and I think they will not respond as positively as working with them in a collaborative manner with the information, with the knowledge and the tools that they need to achieve the consistency and uniformity that I think they are striving to realize. Thank you very much, Mr. Speaker and Ladies and Gentlemen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Beaudette.

Representative **BEAUDETTE**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am not a person that likes excessive regulation, especially that hamstrings the conduct of businesses. What this particular Majority Report does is it allows business to conduct in such a way that it has a predictable and set standard of rules to which to follow. It provides a framework to follow that allows for enforcement when warranted that the Minority Report does not. Municipalities can decide how vigorously they wish to enforce a code, just as individual police departments and municipalities decide how to enforce traffic laws. This is not an overbearing approach.

In the response to the good Representative from Pittsfield, these are minimum standards, they are not overbearing. For example, the bill does not require insulation in basements. It should not cause duress for those who are building their own homes; in fact, there will be an amendment that will be coming forth that would allow alternative building material, which might address the issues that the good Representative from Caswell has raised. All in all, I find this, as has been previously said, a win-win opportunity to put structure in place that we have long desired to have available to the businesses of Maine and to the residents of Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It is just simple that the state doesn't have the money to fund this thing, even though it might be a great bill, and I know darn well that the towns don't have the money to fund this unfunded mandate, and I recommend your vote against it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **EATON**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I have been a supporter of the Majority Report, until the good Representative from Caswell did, in fact, maybe sway my opinion. A question that I must ask—by the way, I am not very good with a hammer, I am not very good with a saw, you certainly wouldn't want me to construct your home and I do not have a saw mill, but it is imperative that I know if, in fact, a person with a private property and a sawmill would be prevented from constructing their own home under these codes, using the lumber that they create by themselves. If it requires a stamp, I will not support it, and I would appreciate that answer. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Sullivan, Representative Eaton has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I am on the BRED Committee and am on the Majority Report. Where we differed, we heard lots of good testimony from many good people. Everyone on the committee agreed on the statewide building code, where we differed was on enforcement and on the energy code piece of it.

The Minority Report requires no enforcement. On the Majority, we worked and worked to come to what we thought was a reasonable middle ground for enforcement, which has, as I think you have probably already heard, four different options for communities to use, including the option of putting enforcement off onto a third party certified by the state board. It is sort of enforcement light, if you will, and it is so light that it does not require a two-thirds vote of us because it is not a mandate on our part to make the cities and towns do anything. They can move it off to a third party, if that is how they so desire, and as the good Representative Beaudette mentioned, there is not going to be any state agency overlooking how well towns do enforce this. So I think the mandate part of this has really been dealt with by the Majority Report, giving towns the flexibility to enforce this in a really flexible way, and I urge you not be swayed by the argument that this is some sort of overbearing mandate.

I think it is very flexible. In fact, I was very pleased to find out that the code enforcement officers from both of my towns, which are over 2,000, the code enforcement officers and the town manages are enthusiastically in support of this. They were telling me that they can enforce this with minimum to no cost, and they believe that the time has come. And I had a letter from the code enforcement officer in Boothbay Harbor, who said the bills that have come about by the lack of a statewide building code are just so great that the time is here, we have to do it now. I urge you not to be swayed by the argument that this is some sort of heavy-handed mandate, it is not, and I urge you to support the Majority Report, which gives a reasonable mandate and addresses both state building and energy codes at the same time. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I would like to address the question that was raised earlier about lumber. I come from the perspective: I have six brothers-in-law; two of them own portable sawmills. I certainly wouldn't do anything counter to them. The code currently requires graded lumber. As part of this process, you remember implementation doesn't happen for another two years, for adoption four years, for implementation, next year, the board that we are creating the board that the Minority Report that would eliminate in 2012, is charged with reviewing the codes that we have and harmonizing. They will do this and also make recommendations to the Committee on Business, Research and Economic Development as major substantive rules. That is where these kinds of issues that are important to Mainers, including my two brothers-in-law and some of the folks here, will be taken care of. That is why we have the slow phase-in to deal with issues that come to light, and that obviously will be dealt with.

I also want to point out, as we talked about this, I mentioned before the pro-business aspect of this as well as pro-consumer, pro-environmental, pro-labor, you name it, the business groups that have endorsed the Majority Report are the Associated

General Contractors, American Institute of Architects' Maine Chapter, Mattson Development, and Neiman Capital, Home Builders and Remodelers Association of Maine, and the Retail Lumber Dealers Association of Maine. Thank you so much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Faircloth.

Representative **FAIRCLOTH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. I served five terms in the Legislature and, one term, I had the honor to serve on Appropriations with my seatmate, Madame Leader, and I have always found it interesting in the legislative process that the Appropriations Committee seems to get a lot of the glory. They deserve it, you know, they do really hard work and it's important work. But a lot of times the media focuses on them. They get a lot of attention when they pass their report. Everybody applauds them and what fantastic work they do, and it is all true.

But I think sometimes it is interesting because, in Appropriations, what I found was, all your work lasts, often times, for two years—because the budget goes up and the budget goes down, and what you work on lasts for that maximum. I would just contrast that with what we are seeing with this committee, which I think is really remarkable.

Under the leadership of this Chair, we have had something that has been percolating for literally a couple of decades. I think that this Report is something that will benefit the people of Maine, not for two years but for decades to come. It is truly historic and valuable, and I really commend the culture of this committee in working together to do something that has been attempted many times, not successfully, and I really think they deserve kudos for the way they were able to work together. And as illustration of that, I have two requests: One is that the Committee Report be read because I think it is remarkable, and second, I request a roll call. Thank you, Mr. Speaker.

Representative **FAIRCLOTH** of Bangor **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. Just one brief clarification: There has been repeated mention to the sunset of the Technical Building Codes and Standards Board in 2012, and that is correct. It is really an opportunity to revisit the task before that board and determine if there is a need for a board to continue looking at harmonization of codes and maintaining codes, if that board needs to be redefined, and we are hoping that in the future there will be an opportunity for contractor licensing. And actually, many of the responsibilities that have fallen to the Technical Building Codes and Standards Board are responsibilities that would traditionally fall to the Licensing Board for Building Contractors, the same way the Electric Board reviews electrical issues, the plumbing codes are reviewed by the Plumbing Board and so on. So it is an opportunity to possibly pass those responsibilities on to a contractor licensing board, should one exist, so that is the purpose of the sunset. The idea was to have a chance to revisit that issue; it is not because we don't think there is a value in having ongoing review of the building standards here in the State of Maine. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincoln, Representative Gifford.

Representative **GIFFORD**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. As you know, I don't rise very often to speak, but I have been associated with these building codes from other states. I am strictly against these because it is going to raise the costs for the young people that we represent and representatives. It is going to put an added increase to the costs of them trying to build a house. Like the good Representative Ayotte said, there is a lot more that goes with this and it does include lumber that you can saw yourself. And the people in the other states that I have had the pleasure to talk to strongly urge, I strongly urge you, not to support this. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Hinck.

Representative **HINCK**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I want to join this discussion over LD 2257, specifically on the matter of the energy building code. As people here should know, that is an important part of the Majority Report, and it would not get the job done in the Minority Report.

The energy situation that we face today, we grapple with in the Energy and Utilities Committee every day. I have had my colleagues, the Representative from Winslow and the Representative from Pittsfield, address this matter, and if you listen closely, they recognize that we can make important strides by improving energy building efficiency in the State of Maine. They argue for a voluntary approach. That has been the approach for years and years. We got our first oil shocks in the 70's and this was under discussion in the Maine House of Representatives, in the other body, all across the state, because the prices they used for awhile, it wasn't working.

In the meantime, 40 states have adopted energy efficiency codes with various kinds of mandatory enforcement. They include states that we have sometimes held up in this body as models of living free or dying. It includes New Hampshire, it includes Montana, it includes South Dakota. These people aren't stupid in those states; they aren't people that want too strong a government. What they want is to be competitive economically and are moving in the direction of becoming economical, and also avoiding some of the worse problems we face today. Buildings account for 39 percent of the total energy consumption in the United States, and approximately the same or more in Maine. Just in Maine, our buildings give up three tons of carbon dioxide per year. A very simple fix is at the front end: building buildings efficient to begin with.

I want to read from the Hartman Oil Company's website, I just picked it up today: The week of March 10th was the second week running of dramatic price increases of fuel oil from the South Portland Terminal. At the close of business, March 14, 2008, our price per gallon of No. 2 fuel oil was \$3.3759 per gallon. This heating season will soon be over, and I can only wonder with the weak dollar and speculators, what next season will bring. A little sample of the panic creeping in to the discussion in this state because of heating oil prices, it is very good reason why there is a little panic. I once thought initially that we would do without the building codes it because what is happening is we are probably getting buildings built very efficiently even though we don't have an energy building code, and even though we don't have enforcement, that wasn't the case.

Research has shown that Maine's buildings are much less efficient, not the old ones alone but the new ones, than almost all of the buildings in every other state in the country. We need to

make this step for our economy, for the environment, and for any number of other important issues that sometimes seem quite removed from us like our national security.

I commend the BRED Committee which, in my view, has a number of people who are concerned about the issue of mandates don't go there easily and decided they would take a very flexible approach and provide a range of ways to approach this so that it has the least possible burden. And fortunately, in this case, what we are not talking about is where are the costs going to go, we are talking about how soon are we going to get the savings. Will we have the savings in a single heating season, or might it take two seasons before we start to save money. If you take the current cost of heating oil and you build a more efficient building than we currently do, one that would match the code before us, the savings will be ten times over the life of the building and its rising. We need to do this as soon as we can. I thank the Committee very much for giving us this bill and this Majority Report. I hope you will join me in voting for it. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Fitts.

Representative **FITTS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I appreciate this discussion and, as it goes on, it gives me some thought. There are already energy certifications that are available. Things such as energy star and LEED Building are voluntarily and effective. They are well documented for builders and buyers to use in their choices when they contract to have a building assembled. There was a day when Central Maine Power had a program called Good Sense Homes, and that program was well received. I actually wired some of those homes in my younger days as an electrician.

I appreciate the Representative from Biddeford, Representative Beaudette, bringing up the fact that these are minimum standards that are being proposed here, but the fact is that some of the most modern of buildings are found to not meet these minimum standards. These are buildings that for all intents and purposes were built with the best of materials and the best of intentions, and these are bare minimums that we are trying to inflict on communities. I have homes in my district that have carpet nailed to their windows to keep the people warm inside. I think it would be reasonable is we could set a standard that was somewhat about that, but this goes way beyond. Enough is enough, as far as mandating to communities. I have two questions I would like to ask the body through the Chair.

The SPEAKER PRO TEM: The Representative may pose his questions.

Representative **FITTS**: Thank you, Mr. Speaker. The first question is why was this not brought to the Utilities and Energy Committee, at least the energy partition of this, for their consideration? I have some ideas as to why, but I would love to hear why this method of advancing this issue further than the Committee was previously willing to go, was used by taking it through the BRED Committee.

My second question is why is there not a mandate preamble on the Majority Report? The Fiscal Note says that it is an unfunded mandate. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Representative from Pittsfield, Representative Fitts has posed a series of questions through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House. The answer to the first question is it is going to BRED because we deal with codes: We

deal with plumbing code, electrical code, building code, rehab code. All have been before us in the past and made sense for consistency of process to come to us, and the mandate issue has already been addressed. The costs associated are insignificant and, therefore, does not need the preamble.

I do want to say that in the efforts for efficiency here in the chamber, there are three bills before you from the BRED Committee that have potential of being contentious: building codes, licensing contractors and licensing midwives. I had the thought of combining them. We could vote just once for a bill that would have mandatory homebirths assisted by licensed building contractors and homes built to a certified professional code by a certified professional licensed midwife, and we could just be done with that one. Seeing that not being likely, I do want to address the issue of locally produced lumber. As I said, it impacts my family as well. I understand some are not satisfied waiting and letting the process with the board take place, so I will be amending the amendment that you have before you to add that issue, get it cleared away now, and I will work on that.

On motion of Representative PINGREE of North Haven, **TABLED** pending the motion of Representative SMITH of Monmouth to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

The Speaker resumed the Chair.

The House was called to order by the Speaker.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-979) - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Remove Impediments to Changing County Government Fiscal Years"

(H.P. 1660) (L.D. 2302)

TABLED - April 10, 2008 (Till Later Today) by Representative BARSTOW of Gorham.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

On motion of Representative PINGREE of North Haven, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

Bill "An Act To Amend Motor Vehicle Laws"

(H.P. 1459) (L.D. 2075)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-913).**

TABLED - April 10, 2008 (Till Later Today) by Representative PINGREE of North Haven.

PENDING - ADOPTION OF HOUSE AMENDMENT "A" (H-991) to COMMITTEE AMENDMENT "A" (H-913).

Representative MARLEY of Portland moved that **House Amendment "A" (H-991) to Committee Amendment "A" (H-913) be INDEFINITELY POSTPONED.**

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Marley.

Representative **MARLEY**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to give you a little bit of background on how the Transportation Committee came to making this decision, because there have been a number of correspondences from various departments that have talked about the highway robbery, I believe, was one of the better terms that I heard out there. Right after local road associations, probably specialty license plates are my second favorite bills in the Legislature and, currently, we have the loon plate, the University of Maine System, a lobster to the Maine Black Bear,