

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Fifth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**

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overwhelming majority of the committee felt that this issue should not be brought up again, but that the 1998 settlement should be left intact. I urge you to follow that overwhelming Majority Report. Thank you.

Representative CHIPMAN of Portland **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just to clarify on this issue, the question before us was to settle the boundary. You'll see that the overwhelming majority of the committee went in one direction and Senator Sullivan and I went in another direction. The reason I voted the way I did, I just wanted to explain to you, is that the property description was very clear and easy to follow. For that reason, I, being a title examiner from some time back, said, well there's a description and it's pretty clear. So that was what I supported because the question before us was to settle a boundary. What it really turned out being is more of a question about who gets to run the clam flats in the area and that was considered a legitimate issue.

To me, as has been relayed to you, there was an agreement that was come to in rather an odd way because it was rather rushed. There aren't really much records to rely on from it. It appeared to me that the people of Harpswell had not had very professional representation by their attorneys and had not had much opportunity for input on that settlement.

But that's what it is. There was a settlement. It didn't look like it was handled very well, very fairly. There also is a deed description that's pretty clear and so there's where we come down as far as trying to decide on this matter. I just wanted to clarify that for you because I thought it probably wasn't as clear as it might be. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from North Yarmouth, Representative Graham.

Representative **GRAHAM**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I wanted to rise to thank the good Representative from Harpswell who brought forth this bill. As the good Representative from Brunswick pointed out, we worked hard and long on this. This was heard. We had an initial hearing and we actually sent the two parties off to try to work things out and I think that deliberation was extensive. We had a similar bill regarding Peaks Island.

So I just wanted to point out that the good Representative from Harpswell brought forth this in good faith and we, I think all of us, have a difficult time when we talk about boundaries and towns and who owns what and so on. So I just want you to – I applaud her again and I would go with the Majority Report. This was not an easy decision for any of us and we worked hard on it. Thank you, Mr. Speaker.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 130**

YEA - Ayotte, Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Bolduc, Bryant, Cain, Carey, Casavant, Celli, Chapman, Clarke, Cornell du Houx, Curtis, Dill J, Dow, Driscoll, Duchesne, Eberle, Edgcomb, Espling, Eves, Fitzpatrick, Flemings, Fossel, Foster, Gilbert, Goode, Graham, Hanley, Harlow, Harvell, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kaenrath, Kent, Keschl, Knight, Kruger, Kumiega, Lajoie,

Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Moulton, Nelson, O'Brien, Parry, Peoples, Peterson, Picchiotti, Pilon, Plummer, Priest, Rankin, Richardson D, Richardson W, Rochelo, Rotundo, Russell, Sanborn, Sanderson, Shaw, Stevens, Strang Burgess, Stuckey, Theriault, Treat, Valentino, Wagner R, Weaver, Webster, Welsh, Mr. Speaker.

NAY - Bennett, Bickford, Black, Boland, Burns DC, Burns DR, Ceбра, Chase, Chipman, Clark H, Clark T, Crafts, Cray, Crockett, Cushing, Damon, Davis, Dunphy, Fitts, Flood, Fredette, Gifford, Gillway, Guerin, Hamper, Harmon, Johnson D, Johnson P, Knapp, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Nass, Newendyke, O'Connor, Olsen, Parker, Prescott, Rioux, Rosen, Sarty, Sirocki, Tilton, Timberlake, Turner, Tuttle, Volk, Waterhouse, Willette A, Willette M, Winsor, Wood.

ABSENT - Briggs, Cotta, Dion, Innes Walsh, Morissette, Wintle.

Yes, 88; No, 56; Absent, 6; Vacant, 1; Excused, 0.

88 having voted in the affirmative and 56 voted in the negative, 1 vacancy with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-553)** on Bill "An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code"

(H.P. 1042) (L.D. 1416)

Signed:

Senators:

THOMAS of Somerset  
COLLINS of York  
SULLIVAN of York

Representatives:

COTTA of China  
BOLAND of Sanford  
CELLI of Brewer  
HARVELL of Farmington  
KAENRATH of South Portland  
MOULTON of York  
TURNER of Burlington

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

BOLDUC of Auburn  
CASAVANT of Biddeford  
GRAHAM of North Yarmouth

**READ.**

Representative CURTIS of Madison moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative CAIN of Orono **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**: The Chair recognizes the Representative from Sanford, Representative Boland.

Representative **BOLAND**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I really rise to

correct, not exactly to correct, the record but to let you know that I appear on the Majority Report on this, and both Senator Sullivan and I do, and essentially we've both changed our votes on this, understanding it later. This came to us at the very last minute. We voted on it the last day of our committee meetings and it really didn't belong, it didn't seem, in our committee because Labor and Business had spent so much time on this particular issue.

It came along and the questions that I asked the analyst, she really couldn't answer, and I need to make a decision which was more permissive. At that point, having learned more afterwards, I just wanted to let you know that I think that this really should not pass because it really takes away all the work that the LCRED Committee has done so much on this particular issue and it would essentially undo that. So I just wanted to explain that to you folks. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. It's too bad that some of these bills went to multiple committees because the House already passed a really good bill to address the tweaks in the building energy codes that people were actually bringing to our attention.

You know the concern I have, I'm actually rising in opposition to this motion because this bill would jeopardize our current energy grants. Maine has done a very good job on earning a significant number of grants from the Federal Government and the former Executive signed a letter agreeing not to make major changes to or repealing our building energy code as part of that. So if we actually pass this, we could be putting our current energy grants in jeopardy, and along the same lines, it could actually jeopardize our ability to secure future federal grants for weatherization and energy efficiency.

The other piece to this, you know when we talk about energy policy, a lot of the businesses, we always talk about the cost of energy and with energy efficiency, it's the cheapest form of energy – the cheapest form of energy – and our businesses are taking advantage of energy efficiency grants to streamline their energy costs and make sure that they're actually reducing them. But more importantly, they're creating predictable energy prices for themselves and energy costs.

What we're doing if we were to pass this bill is to actually create, we would interject, a bad signal in the market. We would be telling the efficiency market, one, that we're not open for business, so efficiency professionals who are slowly responsibly growing their companies and hiring new people, we would be telling them that they should not be doing that, that we're not quite sure what we want to do. The other side of that is that business owners who want to invest in energy efficiency, we're telling them that we're not going to be consistent, that we're not going to be predictable going forward in our energy incentives.

So what we're trying to do or we have been trying to do is to create predictability, which is precisely what our businesses have been asking for. One, they're asking for lower costs, which energy efficiency gives, but two, they're asking for predictability in the market. They want to know that the rules are not going to change the second they start down a particular path, and that's precisely what this bill does. It changes the rules of the game.

There were real tweaks, there were real concerns that people brought to the attention of the Legislature. Those have been addressed by a very good bill already. So I'm asking folks to actually consider the amount of money that we currently have available to us from federal grants for energy upgrades and energy efficiency and not put those in jeopardy, and to also

consider the future grants that we could be getting and to not put future grants in jeopardy as well. Let's make sure that we're sending the right message to the market and that we're making sure that both our energy efficiency professionals and our businesses know that we're truly open for business and we understand what they're looking for in their energy market. Thank you, Mr. Speaker.

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

Representative **PRESCOTT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I stand in opposition to the Majority Ought to Pass motion before us and I do so with recognition of the Labor, Commerce, Research and Economic Development Committee's outstanding efforts on the other bill that has already passed. Building and energy codes have been a source of much confusion and have now been rectified, and I have a lot of confidence that going forward now, we have something in place. I believe that the pending motion and the bill before us, 1416, would muddy the waters, and I ask that you let the other bill go forward and let's see if the problems that we had in the past are now not problems in the future. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Damon.

Representative **DAMON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise today, for me, in a strange predicament. As a Realtor I object to the business of government muddying the waters and how we provide housing to the people of Maine. I believe that the market should drive all of that. However, we do have a need for good building codes and 1416, as it originally was drafted, does that.

However, my objection this morning is to the amendment that allows cities with less than 4,000 people to opt out of the inspection process because, to make it work, we have to have inspectors, and about I think as many as 600 third-party inspectors have been trained, are ready to go to work and do this, and if we pass this as we have it up here with the amendment, they will be effectively out of business because the towns and cities will have their own code officers do the inspections, issue the certificate of occupancy, and drive the TPIs out of business. We have to have inspectors. The amendment is the only thing I object to. So I will be voting against it and hopefully we can get back to the original bill and vote for that. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. This is my bill and it was changed substantially from the original bill. I would have preferred that all municipalities have an opt-in. This simply changes from what is in the existing code, which is municipalities under 2,000, it just brings that up to municipalities with populations of 4,000 and under will be allowed to opt-in if they desire, and if they choose to opt-in, it shall be the Maine Uniform Building and Energy Code. The bottom line is the current code stays in place.

The other bill that was mentioned by the Representative from Topsham can still go forward. All aspects of the code remain the same, but it is important to remember that not everybody likes this code. Small contractors in my district, in particular, I don't know about yours, have been, as they find out about what's involved in this, are not happy with it at all. I think homeowners, homebuilders and others who are in our depressed housing market, when they find out and learn about the costs associated with this, the costs that this will put on new homes, they are going

to be very upset. I think this is a good compromise. I hope you'll go with the Majority Report. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative BERRY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I, too, rise in opposition to the pending motion and I do so because the words of my father and foreman on the job when I was young still ring in my ears whenever I build something. Measure twice, cut once. It's an old carpenter's saying and it's a reminder that when we do build something, it's better to get it right the first time and not to have to go back and rebuild it later, because it's much more costly to do so. And also, frankly, because you want your client to be satisfied with the product that you're selling.

When we buy a car we assume that it will meet certain minimum standards of safety and performance and our Attorney General's office is charged with prosecuting any incidents of selling lemons. This is the best that we have right now and it's a minimum standard to protect homebuyers.

I concur with the good Representative and Realtor from Bangor in his assessment that there does need to be some minimal standard on the books. I just want to point out too that if we were to lift the threshold from communities of 2,000 to 4,000, while it would certainly give greater freedom to all of the towns that I represent, they don't want that, they don't need it, and they're very happy to help make sure that the citizens of our town are protected and do have a home that they can live in, that they can afford to heat, and that they can be safe in.

Finally, Mr. Speaker, I just would note that the same change in threshold would leave only 90 communities in the State of Maine subject to the building code, the statewide code. Only 90 of 535 would be left where you could actually count on the home that you were purchasing. Thank you, Mr. Speaker.

On motion of Representative CUSHING of Hampden, TABLED pending the motion of Representative CURTIS of Madison to ACCEPT the Majority Ought to Pass as Amended Report and later today assigned. (Roll Call Ordered)

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Majority Report of the Committee on VETERANS AND LEGAL AFFAIRS reporting Ought to Pass as Amended by Committee Amendment "A" (H-554) on Bill "An Act To Improve Ballot Access for Gubernatorial Candidates"

(H.P. 428) (L.D. 545)

Signed:

Representatives:

BEAULIEU of Auburn  
CHIPMAN of Portland  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
LONGSTAFF of Waterville  
RUSSELL of Portland  
VALENTINO of Saco  
WILLETTE of Presque Isle

Minority Report of the same Committee reporting Ought Not to Pass on same Bill.

Signed:

Senators:

FARNHAM of Penobscot  
PATRICK of Oxford  
PLOWMAN of Penobscot

Representative:

CAREY of Lewiston

Representative MITCHELL of the Penobscot Nation - of the House - supports the Majority Ought to Pass as Amended by Committee Amendment "A" (H-554) Report.

READ.

On motion of Representative BEAULIEU of Auburn, the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-554) was READ by the Clerk and ADOPTED.

Under suspension of the rules the Bill was given its SECOND READING WITHOUT REFERENCE to the Committee on Bills in the Second Reading.

Under further suspension of the rules the Bill was PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-554) and sent for concurrence.

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Majority Report of the Committee on VETERANS AND LEGAL AFFAIRS reporting Ought Not to Pass on Bill "An Act To Require That the Governor Be Elected by the Ranked-choice Voting Method"

(H.P. 838) (L.D. 1126)

Signed:

Senators:

FARNHAM of Penobscot  
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
WILLETTE of Presque Isle

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "A" (H-515) on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

CAREY of Lewiston  
CHIPMAN of Portland  
LONGSTAFF of Waterville  
RUSSELL of Portland  
VALENTINO of Saco

Representative MITCHELL of the Penobscot Nation - of the House - supports the Minority Ought to Pass as Amended by Committee Amendment "A" (H-515) Report.

READ.

Representative BEAULIEU of Auburn moved that the House ACCEPT the Majority Ought Not to Pass Report.

On motion of Representative CURTIS of Madison, TABLED pending the motion of Representative BEAULIEU of Auburn to ACCEPT the Majority Ought Not to Pass Report and later today assigned.