

# 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**

December 1, 2010 – June 29, 2011

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An Act To Strengthen the Laws against Driving under the Influence of Drugs

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(C. "A" H-535)

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(S.P. 502) (L.D. 1569)  
(C. "A" S-256)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Resolves**

Resolve, Directing the State Bureau of Identification To Continue To Explore Contracting Options and Other Methods To Find Efficiencies in the Fingerprinting System for Criminal History Background Checks

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(C. "A" H-526)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-553)** - Minority (3) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Options to Municipalities Concerning the Maine Uniform Building and Energy Code"

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

TABLED - June 7, 2011 (Till Later Today) by Representative CUSHING of Hampden.

PENDING - Motion of Representative CURTIS of Madison to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report. (Roll Call Ordered)

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative HUNT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Before we begin I just want to thank the House chair for our committee for her strong support in committee for the bill that we passed that fixed all the problems that were brought up about MUBEC. MUBEC is not perfect, so during our committee hearing we solicited ideas how to fix MUBEC for several hours and people came to us and gave us their two cents. We took their ideas, compiled the list, spent several more hours during work session working through those issues and came up with a final product. This, on the other hand, undermines the work that we did. LD 1416 is a way to undermine the MUBEC.

Now there is a lot of contention around the MUBEC. Is it good for the state? Is it bad for the state? All I can say is we had dozens and dozens and dozens of contractors come forward and say this is good for the people of Maine. Before MUBEC there was a patchwork system of different codes for each town, which was infuriating for contractors across the state. Town A would have ordinance A, Town B would have code B. So it made it difficult for contractors to do the jobs they needed, so we implemented the MUBEC like 40 other states. Forty other states have the MUBEC or some sort of form of MUBEC. Not Maine, but obviously some sort of uniform building code. Natural resources groups are behind this. The best way to save money is to build an efficient home as opposed to retrofit the home. There are countless groups, 1,500 Maine businesses signed a letter in strong support of Maine's statewide code. This is a lot of hard work and dedication went into this and LD 1416 submits an opt-in measure.

Now Maine, at one point, had a model code that towns could adopt. The one problem is that nobody did, so we still were left with that patchwork system. It just doesn't work for the people of Maine. Contractors came to us and said this is something we need, this is something we need, and so we implemented it in a thoughtful, methodical process.

In my time here, it hasn't been all that long but a few years now, all the bills dealing with Maine Uniform Building and Energy Codes came to the old BRED Committee or the new Labor, Commerce, Research and Economic Development Committee. For some reason this was sent elsewhere. I think it was because it had to deal with third-party inspectors, another issue that was dealt with in another bill from the Labor, Commerce, Research and Economic Development Committee. We went out of our way to listen to the problems and find thoughtful solutions.

I cannot express enough my displeasure with LD 1416. It really just compromises the entire integrity of the MUBEC. I hope you will not support this motion and allow the bill that was

thoughtfully created by the Labor, Commerce, Research and Economic Development Committee to do the work that it's supposed to do. I appreciate your time. Thank you, Mr. Speaker.

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

Representative HINCK: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. We started discussing this the other day and it was cut short, if you recall. There was comments from the Representative from Bowdoinham, the Representative from Portland, and also from the good Representative from Bangor, Representative Damon, Representative Prescott from Topsham. I think all those points need to be in people's minds. I just wanted to put it in an energy context. We've already had some discussion of energy measures here. I would say that this is the number one challenge. All of the other calls that we make in matters of energy are tougher than this one. I would assume that many of you went door to door and the issue of energy came up.

In many instances, no matter whether you are in rural Maine, very rural Maine, exceedingly rural Maine or some other part of Maine, you were telling people that you wanted Maine to be energy independent. We all told people that we wanted the United States of America to get off of foreign oil. You know there is only so much that we can do on those subjects. Whenever you discuss other energy sources, there are tradeoffs. Nuclear power, I could discuss the tradeoffs. Wind power, I think we're being reminded of the tradeoffs. Solar power, coal power. Those are all on the generation side. I think it's been pointed out that efficiency is the cheaper source of energy. It's not often the more exciting source of energy, but it is the cheapest source of energy. Then we discussed retrofitting old homes. We've got a lot of old homes and it pays to retrofit them, but it costs money up front. This is different. It is the cheapest, cheapest way to get energy, good energy in the State of Maine. It is building buildings right the first time.

So what's the argument on the other side? It smacks of a government mandate. It smacks of the state deciding things for the entire state, for municipalities. I would agree. When in doubt government should not impose its will, but I must say there are many times we decide that it's not in doubt. I think we all feel glad that when we drive down the highway, we have a regulation that the cars going in each direction are staying to the right hand side of the road. You know, similarly there are auto requirements that were once controversial. We agree with seat belt laws. Security measures are agreed to in many situations across the country. This is actually a security measure. This is what Maine can do for the country to get off of foreign oil. It is also something that we should be leading on as a state because of our climate and because we depend upon heating oil.

Maine homeowners and businesses consume 430 million gallons of heating oil annually, which before the recent rise in oil prices was already costing Maine \$1.6 billion annually or 4 percent of the state GDP. But despite the costs and the potential savings, studies have shown that only 16 percent of newly constructed homes in Maine are being built to minimum standards of efficiency. If Maine began implementing the code that was passed, which is a 2009 IECC standard, statewide this year, businesses and homeowners would save an estimated \$30 million annually by 2020 and \$60 million annually by 2030 in energy costs, assuming 2006 prices. We'll probably be lucky to have 2006 prices, so that's the money that we can save. Even under those circumstances I can understand why people would be skeptical of doing it because, once again, it is imposing our will.

We don't always take advice from other states, but I think it's instructive to look at what other states are doing on this subject. Illinois, Tennessee, Connecticut, Virginia, Delaware, Washington, Michigan, they all have adopted the standard that is in the MUBEC. It's basically equivalent to the 2009 IECC. Massachusetts, Oregon, California, maybe we don't want to follow them; they've gone to something stronger. Massachusetts has a stretch code, has the same baseline code but also a stretch code. California is going off the charts because energy prices are really high there and they are implementing stronger standards still.

But I thought a couple of states were real interesting, Alaska and Idaho. These are two states that have some similarities to Maine. They have similarities in the composition in terms of lots of rural areas...

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta, and asks why the Representative rises.

Representative COTTA: We're discussing a building code. LD 1416 is implementation. It is not the nuts and bolts and the heart of the building code. This is the implementation phase only, how it will be implemented. Another committee actually dealt with the body of the building code, so I think we've actually strayed from what this LD represents.

On POINT OF ORDER, Representative COTTA of China asked the Chair if the remarks of Representative HINCK of Portland were germane to the pending question.

The SPEAKER: The Chair would simply remind Members to confine their comments to the LD before them. The Representative may continue.

The Chair reminded Representative HINCK of Portland to stay as close as possible to the pending question.

Representative HINCK: In some sense it sounds like the good Representative and I are in complete agreement. Another committee did deal with the code and that would not be germane here today. That was done in the past in this body unanimously. We're not to discuss that. What we are discussing is a bill that would eviscerate the code and was done in a committee separately, the two committees working without much coordination, one carefully putting together the code and the other effectively eviscerating it. When I say eviscerating it, meaning that it becomes no longer required in the State of Maine, but voluntary for towns all the way up to 4,000 people. The problem that creates besides the energy problem, I will hold off on any further analysis of the states of Alaska and Idaho which have adopted these codes as mandatory, despite the fact that I could imagine the debate in those states would be very similar to the debate in the State of Maine. But I think I made that point.

So the last thing I would say is the reason why many businesses in the State of Maine encourage this was when you have a patchwork of codes and requirements, it's enormously problematic for them. What happens when we make this trade is we end up with towns like West Gardiner, Hallowell and Farmingdale right here, all in the population numbers that would end up being able to adopt different codes of different kinds. The same can be said of Corinna and Newport. The same can be said of Dixfield and Mexico. It becomes a nightmare that we worked so hard over years to repair and this bill would undermine that for many reasons. I would urge people to vote no on this bill. Thank you for your tolerance and allowing me to continue.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative HARVELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Actually to correct the good Representative from Portland, towns cannot

implement different codes of different kinds. If they have a code, it has to be this code. I've never heard home rule be equated to evisceration before, but we can think that through. All this simply does is raise a limit that was 2,000 originally to 4,000 and makes the distinction that there is a rural Maine that is fundamentally different than an urban Maine and allows them the choice, if they want a code or not, to have a code. That is simply it.

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 rise in opposition to the motion on the floor. LD 1416 seeks an opt-out of Maine's Uniform Building and Energy Code. I emphasize uniform. This bill came to the State and Local Government Committee, which I sit on, very late in the proverbial day, truly a bill that should have been heard by the Labor, Commerce, Research and Economic Development Committee. Well, actually it was. LCRED heard this bill, this in some form, and with all due respect to my committee chair, we did consider whether one should opt in or opt out of MUBEC. But LCRED heard this bill, worked this bill, and it received unanimous support of MUBEC.

Now what is MUBEC? I think it's important that we know what it is before we opt in or opt out of it. MUBEC increases uniformity and predictability for builders, contractors and others in order to make economic development easier. It modernizes and harmonizes many different pieces into a single set of codes. It protects consumers across the state who deserve buildings that meet standards for safe, healthy and energy efficient construction. It reduces energy costs and our dependence on heating oil and, lastly, provides significant flexibility to towns for code enforcement.

What will LD 1416 do? It will move Maine backward to a system of model codes, which we know didn't work. It will make Maine one of only 10 states that lack a true statewide code, thus discouraging investment in our state and reducing predictability for builders working across Maine. It will put at risk tens of millions of dollars of federal grants from the Department of Energy.

We heard before our committee builders, contractors, municipal officials who were all opposed to LD 1416. The Maine Municipal Association opposes having the code applied to some towns and not others, and most builders, developers, architects, lumber dealers, contractors, oppose having the code apply to some towns and not others. LD 1416 would leave about 40 percent of Maine people without the protection of a minimum standard for building and energy efficiency. Some will say that this is a problem for rural people with small structures, that they would not be able to comply with the codes. And I say no, that actually it protects the rural poor, people who need protection. Because we don't have a standard code, they could easily be taken advantage of by contractors that won't build to high standards. MUBEC works and I think we should allow it to work. It's just basically gotten off the ground. I believe uniform means consistency throughout the state. Allowing an opt-in would basically destroy MUBEC. I urge you to vote against this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker. Mr. Speaker, Colleagues and Friends of the House. I'd like to let you know that this is the technical area of my expertise is energy/energy efficiency. I currently teach an advanced building science class to instructors and an energy efficient building training program for unemployed workers in Penobscot and Piscataquis Counties. I'd like to emphasize two points. One is

there is a common misconception that new construction is by its very nature energy efficient. I make a very strong point to the classes that I teach to show the energy inefficiencies of poorly constructed brand new homes in Maine.

The second thing that I'd like to point out is that the Uniform Building and Energy Code is just a first step. The advanced building science class that I teach extends into areas that are not yet in any uniform building code in the country, involving the application of building science to making more energy efficient structures. The important point is that when you do it right the first time you save money immediately from then for the life of the structure, which in the building industry is generally considered at least 30 years. So doing it correctly the first time is an extreme savings over the lifetime of the building. Thank you.

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. In response to the good Representative from Portland, Representative Hinck, this bill doesn't eviscerate the code. But believe me, if I could eviscerate the code, I would. I think we should repeal it and start from ground zero and just build it again. I've been in the construction industry all of my adult life and I have seen the young families struggling to build new homes, the cost continually going up. They are no longer allowed to build their home and live in it at the same time with this code. They can't get the occupancy permit.

To the Representative from Brooksville, I'm not seeing these new homes being built that are energy efficient. I haven't seen them for 25 years, ever since we started using 2x6 studs. The doors and windows that are available on the market today are extremely efficient, extremely efficient. The banks are not giving loans out to non-energy efficient homes, so there might be somebody out there who is building a shack and living in it. Of course, I say more power to them, if that's what they want to do. I think it's unlikely that they're doing that and paying for oil heat at the same time.

MUBEC is a massive new code and it went into effect, the law from MUBEC went into effect long before the code was even developed. It's onerous, it's complicated and it's expensive. But again, we're not changing it. But those words are not my own. Those came several times, many times, in the offsite hearings for the Select Committee on Regulatory Fairness and Reform. We heard many times the problems already that people are having with MUBEC. It dictates every aspect of commercial, residential and renovation construction and new energy standards, and it fundamentally changes forever the construction industry in the State of Maine. It forces people to comply with this expensive installation code that market forces have already taken care of and it delays projects for at least four inspections, with costs that could be as high as \$1,500. But again, the code stays in place. I wasn't able to change that. I wish I could have.

This bill will simply exempt municipalities with populations under 4,000. Right now it's under 2,000. This just raises it up a little bit, which will ultimately give a little bit more time. If those municipalities under 4,000 choose to adopt a code, it shall be MUBEC. This will give them much desired uniformity that for some reason we want, but you know this is the one-size-fits-all problem that I hear about all the time. One-size-fits-all isn't good for the State of Maine. Well, this sure is a one-size-fits-all. This is the same code for Fort Kent as it is for York and Monhegan and Lewiston and Portland.

I know one thing. The contractors that I work with, except the insulating contractors, the building contractors do not like this code. The insulating contractors love this code because it

mandates their product and more of it. I kind of wish we could have squeezed in there that every new home needs a 14 kW Kohler generator auto-start whole-house. I might have gone along with it then, being someone who installs those generators. But no, I probably wouldn't. When the homebuilders and the homeowners learned what the extra costs are involved with this code and the extra time it will take, they are not going to be happy. This is still; it's not going to change. It will just allow some municipalities the option of whether they want this code or not. Thank you, Mr. Speaker.

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. As chair of the Energy, Utilities and Technology Committee I've worked with the committee and both sides of the aisle to try to create an environment where efficiency is right in front of our priority list. But I also represent an area of Maine that has people that are extremely poor, who live in homes that are built from materials collected at transfer stations. That's rural Maine. They don't hire contractors, they can't afford to buy new materials, and this building code prevents them from doing what they've always done. Most of those communities are well under 4,000 people, but some of them press up against that. There are certain areas of these communities that just can't afford to comply and there are no exceptions within this rule.

One of the sections or the primary section of law that is being changed by LD 1416 is Section 4 of 10 MRSA, 9724, sub 1, which is the limitation on home rule authority. We're talking about extending the limitation on home rule authority. All I ever hear in this Legislature is we're about home rule. That's a continuum, that we don't want to impede home rule. But yet, if we don't enact this bill, we are leaving home rule to the extreme small communities that there are still people in those communities that are 4,000 and under that need this relief. I think we should leave it up to those communities. They can adopt the code if their local legislative bodies, their selectmen, their town councils choose to do so. But for the Legislature to cram it down their throats when they're the ones that know best what they need, I think, is wrong. There will come a time when I think this will be uniform and universal, but for us to force that upon people when they may not be ready or can't afford it and we don't have mechanisms in place to help them get ready, I think that's wrong also. So I'll be supporting this motion and I would hope that this Legislature would too, because it has been an ongoing theme. Home rule matters and this is an opportunity to reinforce that. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from China, Representative Cotta.

Representative COTTA: Thank you for the opportunity, Mr. Speaker. I didn't realize I had turned my light on, but it must be telepathic. The LD that is before you, 1416, and I'll be brief and won't repeat anything, it's about implementation. We tried to give some room for the smaller towns. It doesn't even talk about the building code. It doesn't get into the nuts and bolts of it, and I'm sure that the good Representative who just spoke before me pointed out it is home rule and we tried to bring forward the best product we could out of the committee with these adjustments. I think it's a very good bill and it's going to help in the long run. Again, it's not about the code, it's about the implementation. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative GRAHAM: Thank you, Mr. Speaker. Can anyone tell me why MUBEC received unanimous support in LCRED and who supported MUBEC?

The SPEAKER: The Representative from North Yarmouth, Representative Graham, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative HUNT: To answer the question, the reason it received unanimous support is that we worked collaboratively, we worked methodically, we worked thoughtfully on all the issues that were brought to our attention. There was an open call for issues. Bring them on down and we talked about them. We sorted through them and worked together. This was through the great leadership of our chairs, and we came up with a consensus, we worked together, and that's the way it played out. It was unanimous. Everybody on the committee supported it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative MacDONALD: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. When I was on the BRED Committee in the last term we dealt with this issue, I believe when MUBEC first became promulgated as a new set of regulations and laws for the State of Maine, regarding construction.

In response to the question of the good Representative from Newcastle, where do we hear one-size-fits-all, where we heard it was in BRED from contractors, from suppliers of contractors, who said if we have a patchwork quilt of regulations from town to town to town that we have to deal with, it costs us money and it costs the consumers money. It's much better in that environment to have a statewide set of standards that we all know what they are and how to work with them and how to build to them. Even lumber companies testified in front of our committee and I was surprised to hear them saying, we support this, because we don't like contractors coming back with materials that they can't use because in the town they're working with this doesn't fit their codes. A statewide code solves that kind of problem. That's where you hear one-size-fits-all. It's an efficiency issue.

But I think even more importantly, the MUBEC, I think aside from the construction piece of it, the energy piece of it that's embodied in MUBEC is probably the most important piece of it. As you all know, we are the most oil dependent state in terms of our home heating. We had testimony in the BRED Committee that 85 percent of new construction – new construction, 85 percent of new construction – going on in the state was energy inefficient. Most of those homes were heated with oil. Oil prices are going up. Meanwhile, if you have an energy inefficient structure, your money is going out through the cracks, through the windows, surprisingly through the basement and through the attics of these newly constructed homes. The MUBEC is an attempt to provide leadership, which is what we should be doing, provide leadership for the state to stop this from happening going on into the future so that we don't continue to spend billions of dollars on energy in our energy inefficient homes, the billions of dollars that go from our state to the Middle East. I don't like that, I don't think you should, and I think MUBEC helps us prevent that.

Mr. Speaker, I hope that we vote against the motion on the floor and support the continuation of MUBEC, which if we do

Accept this Majority Report, up to 375 towns in the State of Maine could exempt themselves and we wouldn't be going back to the same old patchwork, but we'd be creating a zone in the State of Maine of some size that would be exempt from the good

energy requirements of the MUBEC. 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 rise simply to point out that the bill that originally led us to MUBEC is very supported right now by Maine's people and by Maine's businesses. Energy independence is something broadly supported by the people in the State of Maine and having a good home and a good business that you can count on, that will be healthy, that will be reliable, that will stand up to the weather, that will breathe properly but be insulated properly is something that Maine people support.

Trade and professional groups representing 1,500 Maine businesses signed a letter in strong support of Maine's statewide code. Banks and insurance companies support a statewide code because it helps protect investment in homes and buildings, as it helps protect the residents that live within them.

A March 2011 Critical Insights poll found that 80 percent of Maine people support having a statewide energy code and the support is strong across every demographic. This bill is a scorecard vote for the Environmental Priorities Coalition. I could go on, but I don't think it should be lost on any of us that when oil prices are high the best remedy is a home that doesn't leak heat like a sieve, and it certainly shouldn't be a brand new home that leaks heat like a sieve or that doesn't prove healthy to live in or built well enough to stand for 30 or 40 or 50 years like the homes that our forefathers built.

Maine people want us to protect MUBEC. Maine businesses want us to protect MUBEC. I hope we can do that today and vote down the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Burns.

Representative BURNS: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Last November, a loud message was sent by the voters in this state. That message was "state government, stay out of my business." We spend our time up here telling people how to eat, how to raise their kids, how to drive their cars, what kind of cars to drive. Now we're going to tell them how to build their houses and live in their houses.

What are we, up here to just take away choice because that's all we're debating. Choice. A choice. But yet, oh, we know so much better than selectmen. You're forcing towns now to hire professional code officers when they can't even afford the ones they have now. Be on the right side of this vote. Don't be on the wrong side. I would love to be talking about people who want to take away choices from the citizens of the State of Maine. Thank you, Mr. Speaker.

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 rise to ask you to defeat this motion. I fell for a few of those arguments when it came before my committee and I took the time to learn a little more afterwards. I wondered why the analyst of the committee couldn't answer the questions and I couldn't get any clues really, questions that I'd asked, and I took it to mean that there weren't real problems with this bill.

Afterwards, when I spoke to her about her not having answers, she said, this isn't my area, I don't know why it was before us. Well, we didn't know why it was before us as members of the committee either. Certainly the sponsor did and I find it a very cynical approach to getting legislation that one person seems to want in the face of a unanimous support out of a

committee who worked really hard to accomplish just the opposite.

The Representative from Newcastle says this does not eviscerate the bill that was worked on so hard and got unanimous support, and yet he said he would like to eviscerate it. This comes pretty darn close. Around here we understand that sometimes we can only come pretty close.

LD 1253 was reported out unanimously and it responded to the needs that people had to provide specifically-needed short and long-term exemptions, to clarify that small towns do not need to issue certificates of occupancy, to adjust some specific standards in the code, and to increase the availability of code inspectors. This is something that I think is really sad because it really develops a sense of mistrust among legislators. When we think that something is taken care of and we're presented with a bill that said, oh, there is nothing to this, this is just a little minor fix here, this is nothing much...

The SPEAKER: Will the Representative defer. The Chair recognizes the Representative from Madison, Representative Curtis.

Representative CURTIS: Thank you, Mr. Speaker. Mr. Speaker, is the subject matter being discussed germane to the subject of the bill?

On POINT OF ORDER, Representative CURTIS of Madison asked the Chair if the remarks of Representative BOLAND of Sanford were germane to the pending question.

The SPEAKER: The Chair would once again direct Members to confine their comments to the issue before them. In this case, it is the Majority Ought to Pass Report of LD 1416. The Representative may continue.

The Chair reminded Representative BOLAND of Sanford to stay as close as possible to the pending question.

Representative BOLAND: Thank you, Mr. Speaker. Well, I think you sort of know where I'm going, but some of the opponents of this pointed out that firms that build to code are often undercut by those that don't build to code and consumers don't know to ask the difference, that they think that there's a uniform building code in this state and they have someone do some work for them. They don't know that maybe there was some little exception made, so that their town doesn't really have that same level of protection.

We all know what it feels like to be undercut, to have our work devalued by others. The predictability for businesses is something that we hear about all the time, how they need predictability. We've heard about it for years. To take this away from them at the last minute by referring it to a committee that has no particular background on this and did not know everything that was going on is cheating them.

I'd just like to, in closing, remind you that the Maine Municipal Association opposes having the code apply to some towns and not others. That most builders, developers, architects, lumber dealers, and contractors oppose having the code apply to some towns and not others. That LD 1416 would leave about 40 percent of Maine people without the protection of a minimum standard for building and energy efficiency, and I emphasize minimum because that's what I understood from the builders afterwards, that this is just a very minimum code. This is not about building castles. It's very minimum.

To just close on that Critical Insights poll that the Representative from Bowdoinham mentioned, that 80 percent of Maine people support having a statewide energy code. So let's support 80 percent instead of 20 percent that may not, maybe, include people who don't really have an opinion. It was pointed out also that the support might not be great in rural areas, but

from this poll it showed not only that Republicans support it by 69 percent and that people with incomes under \$50,000 support it by 78 percent, but people in northern Maine support it by 79 percent – 79 percent of the people, 78 percent of those under \$50,000. I'd also like to remind you that the report is not really 10-3. It's 8-5 because of the changes that were made by myself and the Senator from Biddeford. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Hunt.

Representative HUNT: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. Just in response to some things. This bill takes the Maine Uniform Building Code; when 40 percent of the state would be exempt from the Uniform Building Code, it's not uniform. You, once again, fall in the pit of patchwork. Towns very close to each other would have different rules, making it hard for businesses to do work across town lines.

The banks were mentioned. The banks are for this. Insurance companies are for this. The Regulatory Reform Committee was mentioned. The thing I heard is that businesses wanted consistency and predictability. The Uniform Building Code does that. Is inconsistency what businesses have been clamoring for in the state? I think we should keep that in consideration.

The good Representative from Sanford already mentioned that, hey, home rule, Maine Municipal Association opposes 1416. I think we're going down the wrong path. My good House chair always likes to mention that she is going to write a book about when Maine is the outlier. Well, this is the way to make Maine the outlier. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Palermo, Representative Harmon.

Representative HARMON: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I rise and just wonder if anybody heard what Representative Fitts had said? I live in a district adjoining to Representative Fitts. I can tell you working people who want to put an addition on to their trailer will have to go to a transfer station to find stuff, don't have the thousands and thousands of dollars for this building code that we as a Legislature – I don't care if its Republicans or Democrats on a committee – four years ago, two years ago, 2008, decided this is what we're going to implement on Maine. We're sitting up here on our thrones not listening to people. I don't care what insurance companies say. I care about people who live in the trailer or in a house that needs to be fixed up and they don't have thousands and thousands of dollars, just so that we can feel good about our own energy code and come up here, in the House, and implement. Again, we're not listening. It's ridiculous.

We can talk about all these – Maine Municipal, etcetera, etcetera. Who do we listen to? I listen to a contractor in Palermo who said, "Please repeal. It costs people too much to have me to come and do all of this, and for me, the paperwork is just too much and an extra business cost." To go through this code and the code is so thick, he kept talking about. I had two others like that, not to mention the citizens. I know one in Burnham, four particular in Palermo, and I had 13 or 14 asking for a repeal, not just to amend this. I only had one that asked me to keep it the same. I mean I don't know what stories that I'm getting or what other people are getting, but it's nothing that I'm getting, at least not in my community, a rural community in Waldo County. Not upper-class. People can't afford the things that we as a Legislature are requiring them to do, yet again government telling you what to do, you don't do it, here's a fine, take it down. I don't care if it's your private property or not. I mean time to get real and time to listen. Thank you, Mr. Speaker.

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 just have to respond. Prior to hearing this bill on the floor, I had several individuals who represent and support and protect the poorest of the poor in our state, and this individual said that this is a false argument.

Let me repeat something I said previously. One of the things that the MUBEC does is to protect consumers across the state who deserve buildings that meet minimum standards for safe, healthy and energy efficient construction. So in response to the good Representative from Palermo, I completely get it. We are not telling people who want to put an addition on their very small home or their trailer that they have to spend massive amounts of money to do this. What we are saying with a unified building code is that they have a structure that is safe and affordable, and I, quite honestly, from someone who has committed her entire life to caring for people, I am not trying to impose onerous regulations on my fellow Mainers. This is not what MUBEC does. It just says let's have a uniform code to provide safe, healthy and energy efficient structures that are affordable. Thank you, Mr. Speaker.

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. I just want to respond about the trailers because my parents have a trailer. It's pre-1976, it's a sieve. They've been doing what they can to upgrade the efficiency of it, but it's kind of like a hamster in a wheel, frankly, because you really can keep going but you don't really accomplish anything.

We have a list and last I knew, and I don't know what the current stats are, but we have over 10,000 people, or we did the last time I heard, that were on a list of folks who needed upgrades. They needed actual replacement trailers and they were on a list through Maine Housing because they were pre-1976, because the standards were so low back then, that now all these years later they'd like the state to pay to replace them because they can't afford to replace them, one, and they can't upgrade them because, as I mentioned, it's like being a hamster on a wheel.

So if we're concerned about trailers, it's precisely why we need to have a minimum standard, because at the end of the day, you know you may be preventing someone, you may be requiring someone to pay a little bit extra, but they end up saving a lot more in the long run because of their energy costs over time. But you're also saving on government because when those people can't afford to pay their heating bills or they need a replacement for that trailer entirely, they kind of come to the state for that or they come to the Federal Government through LIHEAP.

So what we're trying to do is to reduce the long-term energy costs, but not only that, we're trying to reduce the long-term dependence on government because either they're going to come to us for oil help later on down the line or they're going to come to us for a full replacement. So if people are concerned about the trailers and we already have a whole lot of people who are waiting to get replacements for the trailers they currently have, I really would like to stop that policy as we move forward and wean people off so that they actually have energy efficient trailers or buildings, so that they don't have to come to us and ask for an outright replacement because they can't afford to replace it. So when you want to reduce government costs, you know allowing people to build inefficient homes doesn't really get



us there. So for that and many other reasons, I'm going to oppose the motion. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 150**

YEA - Ayotte, Bennett, Bickford, Black, Burns DC, Burns DR, Cebra, Chase, Clark T, Cotta, Crafts, Cray, Crockett, Curtis, Cushing, Damon, Davis, Dow, Dunphy, Edgecomb, Espling, Fitts, Fitzpatrick, Flood, Fossil, Foster, Fredette, Gifford, Gillway, Guerin, Hamper, Hanley, Harmon, Harvell, Johnson D, Johnson P, Kaenrath, Keschl, Knight, Libby, Long, Maker, Malaby, McClellan, McFadden, McKane, Morissette, Moulton, Nass, Newendyke, O'Connor, Parker, Parry, Peterson, Picchiotti, Plummer, Prescott, Richardson D, Richardson W, Rioux, Rosen, Sanderson, Sarty, Sirocki, Strang Burgess, Tilton, Timberlake, Turner, Volk, Waterhouse, Weaver, Willette A, Willette M, Winsor, Wood, Mr. Speaker.

NAY - Beaudoin, Beaulieu, Beavers, Beck, Beliveau, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Cain, Carey, Casavant, Chapman, Chipman, Clark H, Clarke, Cornell du Houx, Dill J, Driscoll, Duchesne, Eberle, Eves, Flemings, Gilbert, Goode, Graham, Harlow, Haskell, Hayes, Herbig, Hinck, Hogan, Hunt, Kent, Knapp, Kruger, Kumiega, Lajoie, Longstaff, Lovejoy, Luchini, MacDonald, Maloney, Martin, Mazurek, McCabe, Morrison, Nelson, O'Brien, Olsen, Peoples, Pilon, Rankin, Rochelo, Rotundo, Russell, Sanborn, Shaw, Stevens, Stuckey, Theriault, Treat, Tuttle, Valentino, Wagner R, Webster, Welsh.

ABSENT - Celli, Dion, Innes Walsh, Priest, Wintle.

Yes, 76; No, 69; Absent, 5; Vacant, 1; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, 1 vacancy with 5 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-553)** 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-553)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The House recessed until 7:00 p.m.

(After Recess)

The House was called to order by the Speaker.

The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-422)** - Minority (6) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Relating to Concealed Firearms Locked in Vehicles"

(H.P. 28) (L.D. 35)

TABLED - June 7, 2011 (Till Later Today) by Representative CURTIS of Madison.

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

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-422)** 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**.

Representative CAIN of Orono **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended**.

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 Portland, Representative Haskell.

Representative **HASKELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I encourage you to vote against the current pending motion to pass this bill and to move on and continue our current practice of allowing businesses in the State of Maine to have a policy around whether or not people can have firearms, even concealed firearms, on the property of that business.

Right now this bill would ban businesses from having that. It does not mean that a business has to have a policy. It does not ban concealed weapons on that property. What it does is it bans companies from having a policy that they believe is in the best interest of the safety of their employees, and I encourage you to vote red on this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Eberle.

Representative **EBERLE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House. I continue to get pleas from the businesses in my district who want to be able to protect their employees, they want to be able to make sure that they provide the workplace for their employees that they expect and deserve, and Wright Express, one of the major Maine employers and employers in my district, called specifically and wanted me to make sure to put in another plea to vote against this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I recognize that this is a dual rights issue. We have the property owner's rights and we also have the gun owner's rights. The gun owner's rights extend to the inside of their vehicle. Yes, the vehicle is on their property. However, this issue is limited to the inside of that vehicle. We are still allowing the business owners to be able to limit them, saying no you cannot remove it from your vehicle, you must keep it in your car; you cannot carry in our parking lots, you cannot carry in our place of business and you cannot carry in our company vehicles. This is a dual rights issue.

We sit around here every day and we make regulations telling people and business owners what they can and cannot do with their private property. We tell them what they can and cannot do, which affects how they can use their property, where they can build, what they can build, what size they can build, if they can