

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Fifth Legislature

State of Maine

Daily Edition

First Regular Session  
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Pages 1 - 1494

Ten members of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Revise the Maine Clean Election Act Regarding Legislative Leadership Positions"  
H.P. 789 L.D. 1054

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senators:

FARNHAM of Penobscot  
PATRICK of Oxford  
PLOWMAN of Penobscot

Representatives:

BEAULIEU of Auburn  
CAREY of Lewiston  
CROCKETT of Bethel  
DAMON of Bangor  
JOHNSON of Eddington  
LONGSTAFF of Waterville  
WILLETTE of Presque Isle

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-513)**.

Signed:

Representatives:

CHIPMAN of Portland  
VALENTINO of Saco

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-514)**.

Signed:

Representative:

RUSSELL of Portland

(Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A", **Ought Not To Pass**.)

Comes from the House with Report "A", **OUGHT NOT TO PASS READ** and **ACCEPTED**.

Reports **READ**.

Senator **FARNHAM** of Penobscot moved the Senate **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence.

On motion by Senator **WOODBURY** of Cumberland, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

On motion by Senator **COURTNEY** of York, **TABLED** until Later in Today's Session, pending the motion by Senator **FARNHAM** of Penobscot to **ACCEPT** Report "A", **OUGHT NOT TO PASS**, in concurrence. (Roll Call Ordered)

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Senator **COURTNEY** of York was granted unanimous consent to address the Senate off the Record.

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Senator **ALFOND** of Cumberland was granted unanimous consent to address the Senate off the Record.

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**RECESSED** until 2:00 in the afternoon.

After Recess

Senate called to order by the President.

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#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-553)** (10 members)

Minority - **Ought Not To Pass** (3 members)

Tabled - June 9, 2011, by Senator **COURTNEY** of York

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence

(In House, June 8, 2011, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-553)**.)

(In Senate, June 9, 2011, Reports **READ**.)

On motion by Senator **RECTOR** of Knox, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. Men and women of the Senate, this motion, this piece of legislation, L.D. 1416, will undo what's been an important evolutionary piece of public policy that's evolved over my entire 9 year career here in the Legislature. In fact, I personally had evolved, along with the law of Maine, on this issue in that time. In 2008, after enormous work by the LCRED Committee's predecessor, which was the BRED

Committee, which my good friend from Penobscot, Senator Schneider, chaired in the last session, along with stakeholders and committee members, Maine passed a uniform statewide building and energy code. The purpose of the code was to increase uniformity and predictability for builders, contractors, and for others to make economic development easier. It was to modernize and harmonize many different single individual codes into one uniform set of codes. It was to protect consumers across the state who deserve buildings that meet minimum standards for safety, health, and energy efficiency in their construction. It was to reduce energy costs, to reduce our dependence on foreign oil, and to provide significant flexibility for the towns in the enforcement of them. All of you appreciate that this is a deliberative Body and the legislative process in which we are involved is never finished, but an ever moving target. It's my hope that we continue to move in a positive direction and I believe, fundamentally, that this bill would be a reverse course in that.

The MUBEC code that we have in place has not been without controversy. Over time, when concerns have been presented in the former BRED Committee, now the LCRED Committee, we've tried to move towards some consistency, some predictability, in our building codes here in Maine. Why is this important, you ask? Because there is no such thing as a disposable house in Maine. That would be a tent and we're not dealing with tents. We're dealing with the construction of homes that will house Mainers for generations. I live in a house that was built in 1852. I wish they'd known then what we know now about technology and insulation because the value of what I currently own would be higher and, more importantly, my fuel consumption, my need to purchase fuel oil for warmth, and my operational costs would be significantly lower. We recognized that we had an opportunity in the 124<sup>th</sup> Legislature to have a positive impact on new construction in Maine by passing a uniform, predictable building code. This was a radical change in many areas of the state that required neither building permits nor code enforcement. We had earlier adopted a model code, but models are rarely embraced when change is involved. The code was statewide, but we didn't even require the smallest communities to change their ways. We said that if you were a community with fewer than 2,000, though the code applied statewide, you need not enforce it. This was recognition that our normal reaction to change is resistance. I know it is for me and I suspect it is for each of you. Yet having predictability and consistence in our building codes is critical to the long-term development of our housing stock. It's also critical to our builders, who want to know that the rise in run of stairs is the same in Hancock as it is Bangor and that the height of a handrail is the same in Calais as it is in York. Take away the local oddities and you lower costs, provide predictability and improved construction, and insulation all in one motion.

There are those who would argue that citizens can't afford construction costs as they are. Every model that was viewed by the LCRED Committee related to building codes and their related costs demonstrated that not only did the changes pay for themselves over the life of the loan to finance them, they also paid a premium. They pay and they pay and they pay enormous dividends to the property owners over time. There are those who will argue that the poorest and most vulnerable citizen homeowners simply cannot afford the changes that MUBEC provides. I'm sorry, but for me that would presuppose that we have citizens who do not deserve to live in buildings that are warm, energy efficient, cost effective, and have long term value.

That would condemn those same Mainers to substandard, energy inefficient, low cost but operationally expensive properties with little long term value. Cost savings that would pay for themselves every month would not be implemented. A hollow promise of dollars spent with no prospect of return.

I believe the building code does better by all Maine citizens. It assures that we get what we pay for in construction. It assures that both the promise of help for paying immediate costs by immediate savings as well as long term savings that add long term value are present. There is the promise that future buyers of our housing stock are getting a good long term value as well. Unlike other consumables, our housing stock lasts for generations, just like my 1852 Victorian.

Was the MUBEC perfect in its enactment or implementation? Absolutely not. It was rushed to take advantage of substantial ARRA stimulus funds that were available and used by the state. Are we paying a price for our haste? Absolutely we are in a roll-out that left contractors scratching their heads, code officers and third party inspectors in short supply, and questions and concerns that were substantial. Have all those issues been addressed? Some have been dealt with by legislation that was passed earlier this year. The Senator from Franklin, Senator Saviello's bill, L.D. 1253, that we passed unanimously here in the Senate and also in the House came from the LCRED Committee. It identified a variety of issues that we addressed in an emergency fashion so that we could move forward as quickly as possible. Other issues were identified, raised by the committee and brought to the MUBEC board for action and reporting back in the second session. Our building supply companies, trade groups, and large contractor groups have stepped up to the plate to make all this work. We further discovered that many of the objections that were raised were really misunderstandings and misinformation and that when those things were corrected, when the misinformation was corrected, a lot of the objections went away.

It's important to note that the MUBEC board, within the Department of Public Safety, was unstaffed for much of its life. It took a long time to find an executive to staff the committee and currently that position is unfilled, leaving an all volunteer committee of dedicated individuals to deal with the many, many challenges presented by the implementation of this legislation. They have volunteered countless hours to get us to this point, to the benefit of all of the people of Maine. With a little patience, they are ready, willing, and incredibly capable to deal with the other problems presented by the MUBEC implementation. MUBEC is far from perfect and we know that. Let us take the actions that need to be taken, but let the LCRED Committee do its work on in the second session, building on the progress of our first success in enacting the Senator from Franklin, Senator Saviello's changes and the work that we've done in the past. Let us continue on the path we have thoughtfully begun and allow Maine to assure our citizens that our buildings are well built with energy use and long term value in mind. Let us not roll back the clock, but continue to join 40 other states in providing consumer protection as well as contractor predictability through the Uniform Building and Energy Code. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Thomas.

**Senator THOMAS:** Thank you Mr. President. Ladies and gentlemen of the Senate, this bill does nothing to change the code. The code will still be in place. We'll still have predictability

and we'll still have consistency. This will be the only code that will be available in Maine and either the towns will adopt it or they won't adopt any code at all. There's nothing in this bill that stops anyone who wants to build a house to code from doing just that. You can put it in your contract when you have your house built that it will be built to the code. There is nothing in this bill that changes the code. Of course the large contractors love this code. It puts much of their competition out of business. Why exempt smaller towns from the building codes? Number one, we always exempted small towns because it's too expensive to enforce these codes and small towns just can't afford to hire a full time code enforcement officer. My town of Ripley, 450 people, can hardly afford to hire a full time code enforcement officer. Then there's part of the plan that has private code enforcement officers that the builders are required to hire, but that's full of problems. Those code enforcement officers will have to travel, sometimes at great distances to reach houses in rural Maine. Who's going to pay for that travel expense at \$4 a gallon for gasoline? The homeowner is, driving up costs even more. Then would we be able to get an inspector at the job site in time so you don't have to shut the housing job down? You know the more delays there are the more it drives up the cost so further costs go up. Once you get done with all these added costs, what you are going to end up with is people who live in the smaller remote communities will have extra costs to bear that simply make good housing, upgraded housing, and energy efficient housing unaffordable. Those who get hurt the most from the reduced housing stocks will be the low income, and there's no shortage of low income people in rural Maine. I can assure you of that. Opportunities are fewer and wages are lower in our rural areas, so we've always had to be creative if we're going to have a decent place to live.

The house I live in was built by the owner. He and his family lived in the basement for a couple of years while they were building the house. I don't believe that would be allowable under this code. How would you ever get a certificate of occupancy to live in a basement? My house, by the way, is not part of the issue, but it was probably built with some of the last lumber that was sawed at a water powered saw mill in Maine in the early 1970's. Originally that lumber wouldn't have been allowed to be used because it wasn't stamped and wasn't graded. We had to adapt the building code so that people could saw their own lumber. That's another way that we've saved money in Maine, by sawing our own lumber. Who knows, if we change that back again, whether they'd be able to do that. My neighbor up the hill bought a small lot and put in a septic system and a driveway. Then he moved a mobile home in so he could live there while he builds a house with the help of his father and his grandfather. He works full-time. He and his family would have to spend weeks and maybe months studying this code to make sure that they got it right. Then, when they get part of the house built and the inspector gets there, would they have to tear it out because it didn't meet the code when it had been good enough for his father and his grandfather and for generations? My house, for example, we've raised two families there. The previous owner raised his family and I've raised mine. Wasn't built to the code. It works well. With all of the additional costs that Maine families are facing in today's economy ever single penny they have to spend is being used to put food on the table and keep warm. We should not be adding any more unnecessary expenses now.

Part of this energy code is to save us from over using foreign oil. Those of us in rural areas have been burning wood long before it was fashionable, or, if you would, long before it was cool.

For those of us in rural Maine, saving money is not something that you do because it's nice. It's not something that you do because your neighbors are doing it. It's something you do because you have to, because you just don't have the money to waste. We were taught, we were brought up, to go around and shut the lights off in the rooms where there wasn't anyone. We didn't need to have television advertisements to tell us to do that. We've been doing that all along. We know how to save energy and we don't need someone from away coming here to tell us how to save energy or how to build our houses. We may have lost more jobs than our share in rural Maine, but we still need a place to live and we still need the ability to be able to provide that place to live for ourselves. We've been doing it for generations. We will be able to do it for generations. Please pass this bill and let us keep providing ourselves with a place to live. If this code is as wonderful as everyone says it is towns will be lining up to join in and sign up. They don't need it forced down their throats. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Men and women of the Senate, first I want to thank the Senator from Knox, Senator Rector, for having done a great overview of the reasons why, and articulating the reasons why, I've been in support of the Maine Uniform Energy and Building Code. Those ideals are, and this is, what I've been trying to do as far as my work under the dome and why I came, in large part, to serve in the Senate, to improve the economy by making our regulatory environment more predictable, to try to attract investments to reduce costs for businesses, developers, and the companies, the businesses that we supposedly hold so near and dear and we want to see grow, as well as consumers. The notion that by getting rid of the code is going to somehow lower costs, both for low income people as well as make the regulatory environment and the business environment better, is just false. The building code was highly supported after a lot of work. There were meetings from Portland to Presque Isle on this. Bringing all the different stakeholders together was one of the most incredibly intense processes that we've seen because we wanted to try to do something that was really good public policy, that would help the state of Maine, that would make things better for people who wanted to improve the economy by bringing businesses to Maine and developing and growing Maine. That's what I hear all the time. "Elizabeth, bring us jobs. Make Maine a better place for businesses to succeed." This code was part of that effort.

When I was thinking about how to best articulate how I felt about this code I thought it was best to really bring to the floor some of the testimony by people who came who were from the business community who really made their arguments for me on why this building code is so good. This is from the Maine Contractors and Builders Alliance. "L.D. 1416 hurts both the consumer and builder by allowing a patchwork of varied requirements from town to town. Allowing municipalities to opt out will propagate the current situation of different building codes from town to town. This adds tremendous confusion in the bid process for both builder and the consumer. Where there is no code consumers ultimately will not be able to compare competitive quotes on an apples to apples basis. Should an issue arise in the construction process, resolution will be more difficult than there would be if there was a code in place." Another

business person, local business person here, LaPointe Lumber, Mr. Richard Tarr said, "I'm testifying in favor of retaining the MUBEC as it currently stands. MUBEC is already in effect. Commitments have been made. Money and efforts have been spent. We are getting through the initial growing pains and the process will get smoother as time goes on and builders, designers, homeowners, and municipalities become more familiar with the code. MUBEC is based on well established codes that are used throughout the country."

I want to just say something about the ARRA funds that we've received. I think it's close to \$30 million right now. These funds were based on the fact that we would be 90% compliant with the energy code by the year 2016. It's not at all clear that we would not have to give back this money if we were to support the Ought to Pass as Amended report. I want to repeat that. It's not at all clear that the State of Maine would not be responsible for paying that money back. That's a lot of money, especially given the current economy. So by passing this piece of legislation we make things worse for businesses and we don't help the low income people at all? That's just not true. Not one single low income advocate came to the hearing on this bill, advocating to get rid of the MUBEC. In fact, a lot of low income people will be disadvantaged because they will be buying things that are sub-standard, that they will spend far more on a monthly basis in heating costs than they would on the excess it would cost to spend to bring a house up to code. I want to give you an example. Let's say on an average house cost today, if you spend \$17 additionally on a monthly basis on your mortgage for the extra \$300,000 or whatever it cost to bring your house up to code, if you don't do that the energy costs are roughly \$30 per month. Immediately the savings are automatic. This notion that this is better for people who don't have money, it's worse for everybody because a lot of people in that low income area, you know what they get? They get federal help. They get federal assistance for LIHEAP funding. Why do you think so many people in my district need fuel assistance, my house included? The housing stock there is over 100 years old. They didn't know about how to do things right with insulation and so on. Heat just totally leaks out of these houses. What do they do? They ask the government for fuel assistance. If we want to lower those costs we've got to start working on housing stock that doesn't leak out the fuel. We've got to become more smarter and efficient. Anybody that makes claims that somehow this is going to help the little guy and this is going to make savings. Immediately the savings are going to be reaped by doing these tightening up of people's homes and building to code. We help business. We help the consumers. We help low income. Perhaps we get people off low income heating fuel assistance so we save tax dollars, even at the federal level. We get people off public assistance.

This is a massive piece of legislation and it's why I'm so passionate about it, because it achieves so many good things for people. Business after business will tell you this is good for business. Is it going to help the guy who's not doing such a great job out there in the field, who may not be doing things just so and maybe doing a little bit shoddy work? No, it's not going to help those people. That's true because all of a sudden they'll have to be doing things to the code. There will be checks and balances. I just got a letter from somebody recently. They gave all their money to a contractor. They've still not gotten their house finished. It is a sad, sad story. I wanted to bring that up to you. One of the biggest complaints the Attorney General's Office gets, guess what it's about? It's about bad construction experiences.

Make no mistake. This is undoing what we've done. This good policy will, by no means, don't fool yourself, not be helping businesses in the state, will not be helping the consumers of this state, and will not be helping the low income people of this state. We will also be sending more money to our enemies who are reaping the rewards of us paying all of dollars in oil costs outside of the United States of America. You could even say it's about a national security issue. Maybe it's small because we're a smaller state, but it definitely has an impact. Quite frankly, I don't want to spend my money that way and I hope that you don't either. I hope that all of you will see that this is a really bad thing for business and that you will vote against the pending motion along with me. Thank you very much, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. Ladies and gentlemen of the Senate, I will begin by saying I think each one of us in this Body are here to do what we think is in the best interest of the state of Maine. I wholeheartedly believe that. I also believe that each one of us are influenced by our own environment. Our parents, the school we went to, the communities that we grew up in that help us formulate who we are and some of our heartfelt beliefs. I understand that not every community and not every individual that is represented here in this Body lives in rural Maine. I think that, quite frankly, some of you people, or some of the people that are going to vote on this today, may live at the end of that proverbial cul-de-sac with the flowerboxes in front of their homes. I certainly don't want to put you in a position where I would force my values on your community. I understand that I represent Waldo County and I have communities that absolutely will embrace the MUBEC code. There is no question in my mind. At the same time I represent some very poor communities. I'm asking you to consider very carefully, and try to think beyond just the influences that we're exposed to every day and look at a broader picture, and take into consideration some of these poorer communities. During the campaign I think each one of us probably went out and knocked on doors in our communities. I think it's probably one of the most humbling and wonderful experiences that we can have because it really puts us in tune with the folks that we represent. I want you to know I've knocked on some doors along the Maine coast that are probably worth millions of dollars, but I've also knocked on some doors that, quite frankly, was a sad existence. We have people in this state that live in abject poverty. It is very humbling and sad to see the conditions that some folks that we represent have to live in in rural Maine. I know we've talked a lot today about contractors. I want you to know that the concept of contractors doing this work for these people is way outside of the realm of possibility. This is work that they are doing themselves. I went to a recycle meeting recently in Waldo County. They were talking about all the cans and bottles and the tonnage that they recycled and how much money had been saved. One of the things that was brought up, with pride, as a matter of fact, was the number of windows that had been recycled at the recycle center. They weren't talking about taking these windows and saving the glass. They were talking about people taking them home because it was better than what they've got. We've talked about investment. These people aren't making an investment. They are putting a roof over their family's heads.

I know I've talked about, to several of you, this code and the fact that this code exists for additions to 1972 Holiday Ramblers; 10 of 55 mobile homes that people live in in my district. Yet we're going to add hundreds, and in some cases thousands, of dollars worth of costs. I've had people from the lobby that have come to me and suggested that this money is an investment. They are so convinced that when the State meets this code that they will go so far as to suggest that the investment would be paid back in just a few months. Obviously, the gentleman that made that comment wanted this legislation to go forward so badly that it didn't matter what he said or had to say to convince me. That's a sad, sad thing to see happen. We've been told that it will undo the code. Ladies and gentlemen, this does not undo the MUBEC code. It simply offers some local control to communities under 4,000 people, communities that, quite frankly, don't have the resources to enforce the code and, quite frankly, in many cases this doesn't fit their culture. I don't know if that's the right word. It doesn't fit what that community is about. If it fits your community, you have to ability, if you are under 4,000, to get in. I don't begrudge any of the communities that this fits from adopting the code. I appreciate the work that the BRED Committee has done to make the code better than it was. I think that there's a lot more work to do. The fact of the matter is they are investments. We talked about mortgages and loans and how small an amount that this was actually going to cost us on our loans. These people aren't making loans. Nobody would finance what they are doing. They have such meager limited resources. They are not going to the bank for the loan. This isn't about contractors, it's about individuals and allowing them to have the same options that I had.

My wife and I got married a little over 25 years ago. My uncle and I, three days before we started construction, had a piece of lined paper. He came down to my kitchen table. I lived in one of those 10 x 55 mobile homes, paid \$1,000 for it. We sat at that kitchen table and we drew out a plan for my first home. We built a 24 x 32 saltbox, 2 x 6 construction. I bought the 2 x 6s from Mardens, as a matter of fact. Factory seconds, I think. It was a wonderful home. My wife and I lived in it for 15 years. Like so many of the rest of the people in the state of Maine, I thought my kids were never going to grow up, so I went and built a bigger home and moved up the street. I would love to go back and live in that same home. Didn't have an engineer stamp. Probably doesn't meet the MUBEC code, but I can guarantee you I burnt a whole less oil in that house than I do in the new one that probably might meet that code.

The question of the ARRA funds, I've just finished talking with Office of Energy Independence about this very issue. They have gone and notified and talked with the Department of Energy. There was no indication at all from the Department of Energy that this is an issue. None. Ladies and gentlemen, sometimes we get it right, sometimes we don't. Rural Maine needs some options. I would really appreciate it if you gave us some consideration. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Kennebec, Senator Martin.

Senator **MARTIN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I rise very little to speak, but I thought I should on this point. None of us like to lose local control. I think we all understand that. Sometimes we have to be protected from ourselves and I think that's really the meat of what we're trying to get at. I just want to share a quick example. One of my

employees came to me; he wanted to borrow some money so he could build himself a home. We granted the request. I never asked what he was going to build. He went out and built himself what they call a cordwood home. He obviously lived in a town that didn't have a code. He built himself a cordwood home and was very proud of it. This was in the Fall. Come about January he came back for more money. His heating costs were astronomical and the biggest problem he had was that he couldn't buy insurance on a cordwood home. He could get insurance through Lloyd's of London, which would probably cost more for insurance for one year than he probably put into his home. This really is about giving tools to individuals that do want to build. If you want to build your home, that's fine. The good Senator from Waldo said he built himself a home out of 2 x 6s. He didn't have to; he could have used 2 x 4s. He knew it would be easier and more efficient to have a 2 x 6s home where he could have an R19 in his wall versus an R12, if that. With that, I just wanted to share that example. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Schneider.

Senator **SCHNEIDER:** Thank you Mr. President. Actually I just want to echo, passing laws. Why do we pass laws at the state level that are uniform? The idea of this, the reason why it's undoing this code, is that the idea was that this was to be uniform. Without the uniformity you create this patchwork hodge-podge all over that state that is very difficult for people in business to deal with. That's why you do it at the state level. Just like for health and safety and benefits for business, we do pass laws here at the State to try to implement things that will actually improve people's lives, just like we did the other day with the texting law. I can assure you that not everybody is happy that they're not going to be able to text while they drive. Is it better for people? The general population, most of us, yes. That's why we did it. Just like this. The code, as it stands today, is better for people. The overall population is better served and the business community is better served than we would be without it. That's why we do it. I just want to say this notion that there are some of us who don't serve rural areas. I serve over 20 communities in Penobscot County and can assure you that most of those are very, very rural and not well-to-do communities. I've been to doors where I can assure you there are people who are not on the voter rolls because I think it's that important to visit all those people in my communities, regardless of whether or not they vote for me. I can tell you I have seen horrible structures. Horrible. Those are the very people that I want to help with this kind of code. They are the people who will be advantaged by this code, not disadvantaged. There was somebody who recently said, "Why should the rural communities be shafted? Why should we get the short end of the stick by not having a code? It's better for us to have a code." That is the right attitude because it is better to have a code and it's better to build to this code. Frankly, if I could spend \$3,000 additional on mine I'd pay for it within one year. If I could spend \$3,000 and fix my house completely, as a newly built constructed house today, I would save it in the fuel that my house leaks out because it's an 1830's house. If it was that inexpensive to make the changes to fix all of those problems that I have with it, I'd do it in a heartbeat. When you talk about building new things, whether it's an additions or building a new house, this is going to advantage people, massively.

I also want to say just one other thing about contractors. When did they become the evil doers? They are business people, contractors. Builders are business people and they are all the way down the line. If you think of all the people involved in construction, it's a massive amount of people. Mr. Tarr, for example, is in the lumber business. He's not a contractor. That's not to diminish contractors, because I think that they do amazing work in this state and they are an integral part of our state's economy, as are the architects and the engineers. I don't want to diminish those people by saying that just because they are advocating to keep the code that all of a sudden they are somehow not important. They are very important. I really hope that we will move on and we will reject the pending motion. Thank you very much.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator Bartlett.

Senator **BARTLETT:** Thank you Mr. President. I think it's important to recognize that there is extreme poverty in each and every one of our districts, from one end of the state to the other. I think that's one of the things you learn as you go door to door. You find out exactly where that poverty is. Sometimes it's right next to neighborhoods that seem to be doing very well. Sometimes it's in those neighborhoods. Sometimes it's down along dirt roads. Sometimes it's in the inner city. The point is that there's extreme poverty from one end of the state to the other and it's something that unites us. It is something that can bring us together to try to solve that very real, very significant problem. One of the things that I've seen, and have been very concerned about, is the fact that a lot of low income people, from one end of the state to the other, are renting their homes. They are renting homes that are substandard, in part because we have such old building stock, and in part because they haven't been kept up as well as they should. They are spending extraordinary amounts of money just trying to heat the place and to keep the lights on. Having a building code protects those people because when they go to rent an apartment the heating costs and electrical costs will be affordable to them. When we look at this issue of poverty, you've got to look at it globally. You have to look at the impacts this will have on them. The goal here is not to stop someone from building their own home. We want them to do it. We also want to make sure that when they do they can live in it and they can operate it. There is nothing sadder than someone going out and finding a way to build a house and then having to give it up because they can't afford to manage it. They end up going under and they lose their home and they lose everything. The idea behind this code is to make sure that every person in the state of Maine has an opportunity to live in a basic level quality of housing. We know a lot of tricks that are tried and true, that don't cost a penny more, but can make your building a lot sounder, a lot safer, and a lot more affordable to heat. That's all this code is trying to do. I hope we can protect the integrity of it. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Sherman.

Senator **SHERMAN:** Thank you Mr. President. Ladies and gentlemen of the Senate, I'm a little embarrassed to rise on this one. I think the Senator from Waldo, Senator Thibodeau, hit it right on the head. I hope I can add something new. When you

talk about poverty in the state, how many of hundreds of thousands of people we have on MaineCare, and low income folk, I will take you for a little trip through the state of Maine. There is a joke on my side that it sometimes takes me 350 miles to get down here. I'll give you a little hint of where I've been. You start in Newport, follow 220 clear to the coast. You zig-zag down, up hills and down hills, and take a look at the poverty. On top of the hills there is no poverty. Down in the valley there is poverty. I don't know how far that is, Newport through Detroit and ends up at the coast someplace. You have to zig-zag. A lot of times there are no straight roads. I'm convinced it's all up and down hills. If you go out to Winthrop and go out 133, cross over and catch 219, you'll catch a road that goes to Bethel. If you want to count poverty, take a look at the trailers and take a look at the jerry-rigged buildings that are patched together. Also take a look at the wood piles behind them. That's probably about 50 or 60 miles.

If you cross over and go back to Old Town and cross over Milford and Bradford area, you go from Old Town to Lincoln and look at the poverty along the road. The little houses there. Those folks are getting by the best they can. I'm not against the building code. You understand that. I think you need a snapshot of what's out there. I wander through the Union area, the Waldo area, the Hancock area. I've been by Richard Rosen's house and crossed the bridge I don't know how many times. I wish they'd tear that thing down, but it's got too much lead in it I guess. I go up over the hill back where Senator Rosen lives and there are some pretty poor looking houses. I think there is a beef person up over the hill. Some pretty poor looking housing in there. Some of that is jerry-rigged. Some times early in the Spring you see plastic on the windows. They probably don't want to do that on purpose, but they are surviving. I'm not sure how a building code would help them.

I've been through Swan Lake. Those of you who know where that is. I've gone across to Milo and Dexter. Gone up to Abbot Village. You start looking up towards Greenville. The houses there are small, jerry-rigged in many cases. Also as things change the houses get better, not necessarily because the folks that live in Maine are from Maine. I go to Newport sometimes and zig-zag across Dexter, Garland, LaGrange, and Howland. If you've been in LaGrange, somebody's district there, the housing is terrible. Boarded up stuff. Four or five trailers pushed off the road some place. The usual "I can't get rid of the stuff around my house". Those folks are living there. They need money. They need jobs. This building code is not going to help them. I could go around Aroostook County, the southern part of my district. Patten, Sherman, Island Falls. They've lost mills over there. More little places for sale than you every could believe in your life. Around the Houlton area it's not too bad, but if you go down to Washington County, I've been to the President's mustard factory down there, and if you go off the side roads you run into the same thing in Washington County. I don't know how to solve that other than the jobs we're talking about. That stuff exists. I've seen it. I've run through, I think, three cars now. I only charge for 200 miles. I come down and back. I don't charge for the extra. It's sad to see this and sometimes I think we speak here and sometimes it sounds rather paternalistic, whatever that means. I'll let it go at that. The Senator from Oxford, Senator Patrick, the other day said, in jest, I think, when we were talking about something else, that we didn't tell people what to do. It seems to me we're telling people what to do.

My last comment, and I hope this is not taken out of context, the sheet that we were handed, this yellow sheet, has 56 people



that are interested in this code. Rightly so. I see no homeowners here. I see people that, in some ways, would benefit from a code. I see the New Horizons. I see the Sierra Club on here. I see Grow Smart Maine. I see the Conservative Law Foundation. It goes on and on and on and on. A bunch of engineering folks that would design stuff. Maybe they can design for those places that have more than 4,100 people. Maybe they can design for those folks who have the money and the ability to raise money and stay in business just as well. I doubt that they are dealing with the smaller folks that are just getting by. Social Security, \$400 or \$500 a month. Try to live on that. Your sons have fixed up trailers for you or additions for you, and done the ramps so you can get in and out of those trailers. I appreciate what the Senator from Waldo, Senator Thibodeau, had to say. It's very heartfelt. It's understandable, the image he has in his mind because I do also by just driving those areas. If you want to go out to West Gardiner, if you can not get lost out there, and see the West Gardiner side roads. I haven't found Senator McCormick's place yet, he tells me it is three houses below the market. If you go over what I call the Middle Road, that goes from Augusta out the Old Winthrop Road, you drive up to Waterville and take a look at those houses. Some are good, some are bad. As you get the transition over to folks from away and more money that housing becomes better. Take a left or right at some of those markets and go down the roads there. Go out to Mt. Vernon, where a lot of our folks are living. That housing is a reality. I think sometimes we drive by it and really don't look at it. I would support the Senator from Waldo, Senator Thibodeau, and thank him for his work and thank him for showing how something is talked about that comes from the heart.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Craven.

Senator  **CRAVEN:** Thank you Mr. President. Men and women of the Senate, I think that low income and high income families deserve to have quality buildings and contractors deserve to have a uniform building code. All of the e-mails and phone calls that I've gotten were in opposition to taking the codes away or disseminating the codes. I'm going to be voting in opposition to the motion. Thank you, Mr. President.

**THE PRESIDENT:** The Senator from Penobscot, Senator Schneider, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator  **SCHNEIDER:** Thank you Mr. President. Just very briefly, the Senator from Aroostook, Senator Sherman, asked who represents LaGrange. That would be me. I know very well what the housing stock is and I appreciate your mentioning that. It is exactly for those people that I advocate here. The other question was asked, how will this help people in those areas? By making the business climate better in the state of Maine we will be helping every district, every town in Maine. This will definitely help that business climate. It will be making it much more predictable for the business person making investments in Maine and for the individual, the person who may be purchasing a house that is built to code, you will directly impact those people buying those newly constructed homes because there are energy costs, the savings of that, will be so much better that you will save so much more money that the stress on them just eking by will be

much less if they are able to save. As we go forward in the future, maybe not right today because we're talking about newly constructed homes, those people in future generations to come will have the advantage of a much better house, much more cost effective. There are a whole bunch of reasons why this is an immediate disadvantage if we pass this report. That's why I'm urging you to go against the pending motion and go red. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator  **RECTOR:** Thank you Mr. President. Very briefly, Mr. President and men and women of the Senate. I just want to say that, indeed, we are all concerned, I think, about the impoverished conditions that many folks live in here in Maine and it is not something any of us are proud of or don't wish that we could change. I think at the same time it speaks directly to why the MUBEC code is so important, because what we are doing is laying out a vision for the future that provides us an opportunity to do better, to have buildings that are better, that are energy efficient, that are sustainable, long term, and provide folks housing stock that we can be proud of. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from York, Senator Courtney to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#213)

**YEAS:** Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, JACKSON, KATZ, LANGLEY, MASON, PATRICK, PLOWMAN, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFSKY, HILL, HOBBS, MARTIN, MCCORMICK, RECTOR, SCHNEIDER, SULLIVAN, WOODBURY

**EXCUSED:** Senator: GOODALL

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator  **COURTNEY** of York to  **ACCEPT** the Majority  **OUGHT TO PASS AS AMENDED** Report, in concurrence,  **PREVAILED.**

**READ ONCE.**

Committee Amendment "A" (H-553)  **READ.**

On motion by Senator  **RECTOR** of Knox, Senate Amendment "A" (S-288) to Committee Amendment "A" (H-553)  **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Knox, Senator Rector.

Senator **RECTOR:** Thank you Mr. President. This simple amendment replaces the bill by allowing municipalities an option. One of the objections that we heard raised was one where folks couldn't do what they wanted as they were doing changes to existing houses. What this does is presents municipalities an option to exempt from the MUBEC requirements any remodeling or additions to existing single family residences that were built prior to the code adoption on December 1, 2010. I think it addresses the issues of those folks who want to be able to do simple changes, renovations, expansions, or additions to their existing housing stock on their own and may address some of the concerns of some of the members. Thank you, Mr. President.

On motion by Senator **THOMAS** of Somerset, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you Mr. President. I appreciate the Senator from Knox, Senator Rector's interest in this bill. I know that the amendment that he's offered is well intended, but, unfortunately, I would ask you all to speak up for rural Maine and give us an opportunity. This amendment would undo 99.9% of what L.D. 1416 hopes to accomplish. I would hope that we would reject this amendment. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Knox, Senator Rector to Adopt Senate Amendment "A" (S-288) to Committee Amendment "A" (H-553). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#214)**

**YEAS:** Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, HILL, HOBBS, MARTIN, MCCORMICK, RECTOR, SAVIELLO, SCHNEIDER, SULLIVAN, WOODBURY

**NAYS:** Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, JACKSON, KATZ, LANGLEY, MASON, PATRICK, PLOWMAN, ROSEN, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

**EXCUSED:** Senator: GOODALL

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **RECTOR** of Knox to **ADOPT** Senate Amendment "A" (S-288) to Committee Amendment "A" (H-553), **FAILED**.

Committee Amendment "A" (H-553) **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **SCHNEIDER** of Penobscot, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

**THE PRESIDENT:** The pending question before the Senate is Passage to be Engrossed as Amended. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#215)**

**YEAS:** Senators: COLLINS, COURTNEY, FARNHAM, HASTINGS, JACKSON, KATZ, LANGLEY, MASON, PATRICK, PLOWMAN, ROSEN, SAVIELLO, SHERMAN, SNOWE-MELLO, THIBODEAU, THOMAS, TRAHAN, WHITTEMORE, THE PRESIDENT - KEVIN L. RAYE

**NAYS:** Senators: ALFOND, BARTLETT, BRANNIGAN, CRAVEN, DIAMOND, DILL, GERZOFISKY, HILL, HOBBS, MARTIN, MCCORMICK, RECTOR, SCHNEIDER, SULLIVAN, WOODBURY

**EXCUSED:** Senator: GOODALL

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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The Chair laid before the Senate the following Tabled and Later (6/7/11) Assigned matter:

**SENATE REPORTS** - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Labor Contracts for Public Works Projects"  
S.P. 378 L.D. 1257

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-254) (7 members)**

**Minority - Ought Not to Pass (6 members)**

Tabled - June 7, 2011, by Senator **THOMAS** of Somerset

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report