

MAINE STATE LEGISLATURE

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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-592)** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following item appeared on the Consent Calendar for the First Day:

(H.P. 1268) (L.D. 1783) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-588)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Provide Funds to the University of Maine System to Continue the Statewide Online Advanced Placement Course Program

(S.P. 613) (L.D. 1815)
(C. "A" S-283)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Authorize Early Payment of Anticipated Funds to the Loring Job Increment Financing Fund

(S.P. 620) (L.D. 1835)
(C. "A" S-271)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders

(S.P. 161) (L.D. 496)
(C. "A" S-282)

An Act To Ban Child Marriage
(S.P. 167) (L.D. 545)

An Act To Increase the Number of Franklin County Commissioners

(H.P. 695) (L.D. 940)
(S. "A" S-266 to C. "A" H-488)

An Act To Improve the Educational Opportunity Tax Credit

(S.P. 352) (L.D. 1164)
(C. "A" S-229)

An Act To Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils

(S.P. 602) (L.D. 1778)
(C. "A" S-267)

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.

An Act To Assist Small Beer Manufacturers and Small Hard Cider Manufacturers

(S.P. 593) (L.D. 1761)
(C. "A" S-281)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative MOONEN of Portland, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

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.

SENATE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (S-273)** - Committee on **JUDICIARY** on Bill "An Act Regarding Court Facilities in York County"

(S.P. 97) (L.D. 357)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-273)**.

TABLED - June 13, 2019 (Till Later Today) by Representative DILLINGHAM of Oxford.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, on motion of Representative **BABBIDGE** of Kennebunk, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-235)** - Minority (5) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Uniform Building and Energy Code"

(S.P. 480) (L.D. 1543)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-235).

TABLED - June 10, 2019 (Till Later Today) by Representative WARREN of Hallowell.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, Representative WARREN of Hallowell moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative PICKETT of Dixfield **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker. First of all, I'm rising in opposition to the pending motion.

LD 1543 would allow municipalities to adopt a more stringent version of the International Energy Conservation Code. It would require the Technical Building Code and Standards Board to create an appendix of the more restrictive requirements and make it available for municipalities to adopt. It places the decision-making of what to adopt to the board, and the municipality decides what to voluntarily adopt.

The State Fire Marshal's office spoke to this bill and the bill, if passed, would result in increased expense to new construction costs in these municipalities that adopt the more stringent version, the International Energy Conservation Code. I ask that you follow my light. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. May I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **CAMPBELL**: Can I ask for anyone who would like to answer how this would affect the municipality's budget in terms of the requirements of a code enforcement officer?

The SPEAKER: The Representative from Orrington has posed a question through the Chair if there is anyone who is able to answer.

The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. To answer the question, only municipalities that want to adopt a higher code would do so, so I think a municipality that has a code enforcement officer or a municipality that wants to hire one to do this would make that decision on their own. But this is not a requirement, it's not mandatory, it's only municipalities that want to do so, so I don't think it will have any impact unless they make the proactive decision to do so.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. Just a brief statement here. As I recall when this, the so-called MUBEC code was first enacted, the important part was that it be uniform. That is, that when a builder gets ready to build a particular building in a community, he needs some type of assurance and certainty of what that code will be, and it's my concern that this measure today will addle that and make it less understandable. Thank you, Madam Speaker.

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

Representative **KESSLER**: Good morning, Madam Speaker. I just wanted to clarify for Members of the chamber that in terms of adopting a stretch code, there will be consistency in the stretch code statewide. View it as an addendum to the existing code itself. So, in terms of addressing inconsistencies, the main goal of this was to ensure that there was consistency throughout the state if a municipality decided, and I stress, it's up to the municipality to adopt this code. Thank you.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I stand in opposition to this motion.

The Maine Uniform Building and Energy Code has been decades in the making. There has been legislation after legislation, Member after Member on both sides of this issue, and we have found ourselves in a spot now that there is a Maine Uniform Building Code. And all those who have fought to put this into place, their argument over and over and over and over was that we needed a uniform building code. If towns, whether it's an option or not, is different than other towns within the state, it is no longer uniform and that was the entire objective of a Maine Uniform Building Code.

Let's please vote this motion down and respect the hard work that's gone on for the last couple of decades to create a uniform building code. Thank you.

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

Representative **RECKITT**: Thank you, Madam Speaker, Members of the House. I rise today as a Representative of one of the, I believe, two communities who are considering adopting, if this were to pass, a stretch code; those being South Portland and Portland. And we're not talking about the building of a structure, we're talking about the energy efficiency standards in the city. And it is the desire of South Portland to have a particularly high standard of energy efficiency in the city. And so, their hope is to have consistency in the city as to where it goes beyond the requirements of the Maine Uniform code.

I have to say, I sat on the committee that heard this act and I know more about building codes than I ever thought I would ever have a desire to know. I sat through three or four days, I swear, of testimony and conversation about this. I do not believe that allowing municipalities who choose to reach higher than the expectation should be dampened by us here in this chamber. We would still have to meet all of the codes that would be in the uniform codes, it's just that if we want to do a little better in some arenas, and I have not heard any conversation about anything other than the energy code. If we're going to change the way that we deal with energy in this world, a lot of that has to do with how we build our buildings, and that's what the attempt is in South Portland and I think, although I can't say for sure, in Portland is about. I hope you would give us the opportunity to do that in a way that can be articulated and spread out to other folks who might want to do this. I cannot imagine that there will be many municipalities who want to, perhaps some of the other bigger ones who could have a big impact on our energy consumption in this state. But if South Portland and Portland want to do better; let them. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **KINNEY**: Thank you. It's kind of lengthy, but I'll try to be fairly concise. I'm wondering if a homeowner or businessowner expands their existing building, would they need to upgrade the entire building to the more restrictive code if it's no longer up to code? Will the owners have to upgrade if it's no longer up to code, now, will they have to upgrade even if they're not selling or be in violation? What happens if the building is up to code and they want to sell the building? And now that I'm finding out that it's regarding Portland and South Portland, my family had only recently sold some very historic buildings in the west end of Portland which would've been very difficult to bring to a higher energy savings efficiency just because of the design of the building and they were historic under the Historical Society in the City of Portland, meaning with heating systems and window requirements, some of the windows are very oddly shaped and some old fireplaces that were in these buildings and had to stay because of historical requirements. I mean, we did a lot of upgrade to fire doors and such, but I'm wondering what would happen to these types of buildings in those cities.

The SPEAKER: The Representative from Knox has posed a question through the Chair.

The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker. In answer to the question, bring a building up to code depends on the monetary value of the work, in comparison to the real estate value of the property.

The second question was on historic buildings. There is an existing international building code for existing buildings. That's a separate volume and it allows many exceptions for historic structures. Thank you.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative DeVeau.

Representative **DeVEAU**: Thank you, Madam Speaker. Request to pose a question.

The SPEAKER: The Representative may proceed with the question.

Representative **DeVEAU**: We have uniform standards. If a municipality wants to have more stringent standards, is there something from preventing them from doing that now?

The SPEAKER: The Representative from Caribou has posed a question through the Chair if there is someone who is able to answer.

The Chair recognizes the Representative from South Portland, Representative Kessler.

Representative **KESSLER**: Thank you. The existing law does not allow a municipality to adopt a standard aside from what is in current law, so that's the whole point of this bill.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, when this bill first came in front of the Criminal Justice and Public Safety Committee, I wasn't initially on board for exactly some of the concerns that you're hearing. I really supported the goal of uniformity. But then the Maine Municipal Association came and testified in support of it and as a former Mayor, as a former City Councilor, I know that when the Maine Municipal Association policy committee made up of 70 elected officials across our state representing different municipalities, when they support something together, that holds a lot of weight with me. And so what they said was, the association wishes to support the ability for municipalities to adopt improved efficiency requirements without substantially undercutting the

code's uniformity. It appears to Maine Municipal Association's policy committee that LD 1543 proposes a policy that could balance both of those interests. When I read that, when I heard from code enforcement officers from all across the state that supported this, I voted in favor of it. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. To dovetail or piggyback on the remarks of the Good Representative from Canaan, I would have to add, too, that after 12 years of serving on the committee that gave these requirements oversight, that the one thing we heard from our builders who in many times were not in total support of, they said at least one thing we can be assured of is that there will be uniformity as we move and work on jobs from town to town.

And to the Good Representative from South Portland, I don't want to say I challenge his answer to a town being able to adopt stricter codes, but it was my understanding that towns did have the authority, as long as they were not below State mandates and requirements, that they could be stricter. So, maybe someone else can help us on that one. And that's what I was going to say, that if this allows someone to opt out, then I think that they should be able to do more, if they wish. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker. I just wanted to point out that I was, myself and my caucus, was very aware of Maine Municipal's remarks regarding this bill. However, the last sentence where it says it appears to MMA that LD 1543 proposes a policy that could balance both of these interests; that is could, not would, and that word was problematic to us. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative DeVeau.

Representative **DeVEAU**: Thank you, Madam Speaker. The reason I asked that question earlier is because standards are the minimum standards, it's not the maximum standards. Municipalities are allowed to increase their purview as they see fit, so, in my opinion, there's no need for a bill that says you can go above the minimum standard, it's already set in place. This is just another one of the bills that there's no real purpose for.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. I think there's confusion here as far as what a uniform building code is. It's a single building code for the whole state. There are obviously regional differences in the building code. Their snow loads are different, you have to look up the town and see what the snow load is for that town. The frost foundation depths are different because some places are colder than others. So, if you vote for this bill, it's a uniform code, there will be an appendix to that code that's similar to snow loads and frost foundation depths. It would be if you go to a certain town, you look up the appendix and it will be here is the stretch code. So, it's still a uniform code, there of course are regional differences in that code. Thank you.

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

Representative **KESSLER**: Thank you, Madam Speaker. I just needed to make much more clear, that existing law does

not allow a municipality to adopt a code aside from what is currently allowed in state law. The purpose of this bill is to allow for a municipality to go above and beyond. If a municipality were able to currently go above and beyond, then we would not be having this discussion at this very second. Thank you.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative SKOLFIELD: Yes, Madam Speaker, I apologize. I'm assuming, and perhaps someone could answer this question?

The SPEAKER: The Representative may ask a question.

Representative SKOLFIELD: Does anyone know if this would affect state buildings such as the City of Augusta, the City of Farmington, and other university towns where they will be adding buildings or re-construction? Would it affect state institutions and state buildings? Thank you.

The SPEAKER: The Representative from Weld has posed a question through the Chair and the Representative from Kittery has risen.

The Chair recognizes the Representative.

Representative RYKERSON: Thank you, Madam Speaker. The State buildings and commercial buildings are approved by the State Fire Marshal's office, so it's not a municipal code that would be relevant there. You would be applying for a State building permit. Thank you.

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. 266

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Harrington, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin J, Mastraccio, Matlack, Maxmin, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Peabworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Corey, Costain, Cuddy, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Head, Hepler, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - Bailey, Grignon, Lyford, Riley, Theriault.

Yes, 91; No, 54; Absent, 5; Excused, 1.

91 having voted in the affirmative and 54 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-235)** 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" (S-235)** in concurrence.

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

**ENACTORS
Acts**

An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States

(S.P. 80) (L.D. 268)
(S. "A" S-277 to C. "A" S-218)

An Act To Provide Equitable Taxation for the Food and Beverage Industry

(S.P. 194) (L.D. 607)
(C. "A" S-280)

An Act To Enact the Peer-to-peer Car Sharing Insurance Act

(H.P. 1167) (L.D. 1615)
(S. "B" S-278 to C. "A" H-540)

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.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-594)** on Bill "An Act To Limit the Dissemination of Juvenile Records"

(H.P. 1197) (L.D. 1670)

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison