

# MAINE STATE LEGISLATURE

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**House of Representatives**  
**One Hundred and Twenty-Ninth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
beginning December 5, 2018

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder"

(H.P. 915) (L.D. 1254)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto in the House on June 13, 2019.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

On motion of Representative **TIPPING** of Orono, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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The **SPEAKER**: The Chair recognizes the Representative from Raymond, Representative **FAY**.

Representative **FAY**: Thank you, Madam Speaker. I request unanimous consent to address the House on the record.

The **SPEAKER**: The Representative from Raymond has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **FAY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, in reference to Roll Call 274 on LD 1231; had I been present, I would have voted yea. In reference to Roll Call No. 277 on LD 816; had I been present, I would have noted nay. In reference to Roll Call No. 281 on LD 1509; had I been present, I would have voted yea. In reference to Roll Call No. 282 on LD 1711; had I been present, I would have voted yea. Thank you, Madam Speaker.

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

Representative **KESSLER**: Thank you, Madam Speaker. May I request unanimous consent to speak on the record?

The **SPEAKER**: The Representative from South Portland has requested unanimous consent to speak on the record. Hearing no objection, the Representative may proceed on the record.

Representative **KESSLER**: Thank you, Madam Speaker. What I'm about to say does not rise to the level of a special sentiment, but I just wanted to give thanks to Gina Forbes and Kailina Mills and the staff of the Roots and Fruits Preschool in South Portland, and also April Rogers and the entire staff of Brown School in South Portland, for providing my children with a quality education. And I certainly want to congratulate Cadence and Lyla Kessler for graduating third grade and preschool. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Penobscot, Representative **Hutchins**.

Representative **HUTCHINS**: Thank you, Madam Speaker. I would like to speak with the Members on the record, if I could.

The **SPEAKER**: The Representative may proceed.

Representative **HUTCHINS**: Thank you. I'd like to take just a moment to thank the Members of the 129th for a working relationship that has done quite well this year, I think. We've had a great time talking, working with each other, making great friends, especially my seatmates all around me here. They occasionally even agree with what I have to say. And I especially would like to thank the good Speaker and I brought a gift today that is going to be presented to you, just as a general thank you for all your kindnesses, letting me speak even when you might not have agreed with me. Thank you very much.

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**ENACTORS**  
**Mandate**

An Act To Strengthen the Maine Uniform Building and Energy Code

(H.P. 629) (L.D. 855)  
(C. "A" H-619)

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

Representative **MOONEN** of Portland **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Scarborough, Representative **Caiazzo**.

Representative **CAIAZZO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I'd like to maybe clarify some differences about this bill.

This is not a MUBEC bill. I know that's in the title, but the purpose of this bill is an administrative function. It doesn't affect the actual code itself. What this bill does is it changes the responsibility of the MUBEC code from the existing Department of Economic Development back to the Public Safety Department where it was originally required or where it was originally placed. That's all this bill does. It creates a change in location. It also creates two new positions that help fund training for local code enforcement officers and it establishes a fee for that. It has absolutely nothing to do with the actual building code itself.

At the public hearing for this bill, 100% of the people who testified, testified in support of this bill. They included a very diverse group of interests; town code enforcement officers, the Maine State Fire Marshal's office, the Maine Municipal Association, the Associated General Contractors of Maine, to name a few. The bill was then amended to address concerns in the committee regarding where the fees would come from to ensure that they did not impact any fees that were not associated with the building codes. It had the support of the DECD commissioner as well as the commissioner of Public Safety, the two departments responsible or affected by the change. And, finally, it received unanimous support out of the committee.

So, if I could, I'd like to read from the State Fire Marshal's testimony because I think it's very pertinent. He said, and I quote, when the MUBEC, Maine Uniform Building and Energy Code, was first passed into law in 2010, it was the original intention to have three positions attached to the program. This

bill takes us back to where we should have been in 2010. This bill allows for a program director, a training coordinator and an administrative support staff. This will allow the program to work as originally intended. This bill also transfers all code enforcement training to the Department of Public Safety, Office of State Fire Marshal. The bill also imposes a fee added to municipal building permits for which the department will combine this to the building code surcharge paid by commercial construction projects. This fund will be the sole source of revenue for this division.

So, Madam Speaker, Ladies and Gentlemen of the House, I urge you to please support this bill. It has unanimous support of all those affected including the departments that are impacted. The reason it has a mandate on it is because of the increase in fee, but the fees are going to go back to the municipalities in terms of training. So, please, I urge you to support this bill and allow us to move forward. Thank you.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just a point of correction; the Maine Municipal Association did not speak in favor of it, they were neither for nor against.

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

Representative **RYKERSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I know of so many cases where there's been confusion because code enforcement officers do not know what they're doing. This bill would make it clear what they're doing with an education component. Five dollars per building permit would straighten out many lawsuits, many appeals and make our process much smoother. I urge you to support this bill.

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

Representative **STETKIS**: Thank you, Madam Speaker, Men and Women of the House. I believe one of the reasons why this has been tagged as a mandate is it will force communities to collect a surcharge on these building codes and there are many communities that do not. This is an added burden on our municipalities, it's going to take more time out of their day, and it's going to cost municipalities money, and that's why this is a mandate.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The municipalities are already collecting this fee. The fee is being increased by a few dollars, so it's actually not imposing a new fee, this is a fee that already exists, municipalities are already collecting so, you know, I think it's really important that we recognize that.

And, then, secondly, what this is attempting to address and I think why the AGC came out in favor of it and why Maine Municipal did not take a position on the bill is the inconsistencies in applying the code from town to town. The Fire Marshal, when MUBEC was under the Fire Marshal's purview, complained frequently about the fact that he and his office did not have the ability to go out and connect with code enforcement officers, provide them with training, or properly receive complaints from towns and businesses about the code not being applied evenly or with consistency. This bill attempts to address that.

I think it's a pro-business bill and I think it's a pro-municipality bill by ensuring that we get things right the first time and not several times over.

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, I just want to underscore the fact that this is not a new fee; this is an existing fee, it's an increase of \$2 on existing fees. Code enforcement officers have asked us over and over; they need better training. They need their people to be better trained for these business opportunities, for contractors. We really need to support this bill. Thank you.

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

Representative **KESSLER**: Thank you, Madam Speaker, Men and Women of the House. The one piece of testimony that struck me the most when listening to this was how builders are calling for guidance. They want to be able to build to the code. They need help. The department is running on a skeleton crew and we are trying to give the State resources to help builders build good homes for people like you and I so they're not purchasing lemons that have to get further repairs down the road. It's going to cost our friends and neighbors more money fixing the problems that occurred from a lack of guidance.

I know that mandate is a dirty word to some in this chamber, but we're trying to rebuild the department for a baseline support for our builders. Please support this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Caiazzo.

Representative **CAIAZZO**: Thank you, Madam Speaker, Men and Women of the House. My apologies for rising a second time. I did want to thank the Good Representative from Dixfield for pointing out the testimony from the Maine Municipal Association. My apologies, I didn't mean to mislead the body. However, the Maine Municipal Association was directly involved in a compromise that was requested by one of the committee members and based on that involvement and that compromise, my understanding was that they did, in fact, support that compromise and as a result the committee did vote unanimously to support this. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 294**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Harrington, Hickman, Hymanson, Ingwersen, Kessler, Kornfield, Landry, Madigan C, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pluecker, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Blier, Bradstreet, Campbell, Cloutier, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Head, Hepler, Higgins, Hutchins,

Javner, Johansen, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, White D.

ABSENT - Andrews, Arata, Brooks, Cebra, Dunphy, Gattine, Grignon, Hobbs, Hubbell, Jorgensen, Keschl, Martin J, Millett, Pierce T, Riley, Skolfield, Wadsworth.

Yes, 83; No, 50; Absent, 17; Excused, 1.

83 having voted in the affirmative and 50 voted in the negative, with 17 being absent and 1 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and sent to the Senate.

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**Acts**

An Act To Restore the Super Credit for Substantially Increased Research and Development

(H.P. 732) (L.D. 977)

(C. "A" H-621)

An Act To Reform Maine's Renewable Portfolio Standard

(S.P. 457) (L.D. 1494)

(C. "A" S-307)

An Act To Create a Victims' Compensation Fund for Victims of Property Crimes

(S.P. 487) (L.D. 1550)

(C. "A" S-305)

An Act To Amend the Laws Governing the Maine Capital Investment Credit To Ensure Fairness for Maine Businesses and To Reduce Taxes on Lower-income Working Families

(H.P. 1198) (L.D. 1671)

(C. "A" H-623)

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 Board of Pesticides Control To Work with the Forest Products Industry To Monitor Aerial Herbicide Applications

(S.P. 556) (L.D. 1691)

(C. "A" S-262)

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 67) (L.D. 255)

(C. "A" S-247)

**FAILED** of **FINAL PASSAGE** in the House on June 13, 2019.

Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 295**

YEA - Alley, Arata, Austin S, Bickford, Blier, Bradstreet, Bryant, Campbell, Collings, Corey, Costain, Cuddy, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Dunphy, Evangelos, Faulkingham, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Higgins, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Marean, Martin R, Martin T, Mason, McCreia, McDonald, Morris, O'Connor, Ordway, Peoples, Perkins, Perry A, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Theriault, Tuell, Verow, Wadsworth, White B, White D, Zeigler.

NAY - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cloutier, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Jorgensen, Kessler, Madigan C, Martin J, Mastraccio, Matlack, Maxmin, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Perry J, Pierce T, Reckitt, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Madam Speaker.

ABSENT - Andrews, Brooks, Cebra, Grignon, Hobbs, Keschl, Millett, Riley, Skolfield.

Yes, 77; No, 64; Absent, 9; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, with 9 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

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Bill "An Act To Amend the Licensing Laws of Certain Professions and Occupations"

(S.P. 580) (L.D. 1746)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AND HOUSE AMENDMENT "A" (H-626)** in the House on June 18, 2019.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)** in **NON-CONCURRENCE**.

The House voted to **RECEDE**.

On motion of Representative MOONEN of Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** in **NON-CONCURRENCE** and sent for concurrence.

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