

# MAINE STATE LEGISLATURE

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

**Volume III**

**Second Special Session**

April 8, 2004 - April 30, 2004

**Appendix**  
**House Legislative Sentiments**  
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**ENACTORS  
Acts**

An Act To Further Implement the Recommendations of the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners and the Recommendations of the Commission To Improve Community Safety and Sex Offender Accountability

(H.P. 1409) (L.D. 1903)  
(C. "A" H-860)

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

On motion of Representative RICHARDSON of Brunswick, was **SET ASIDE**.

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

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.

Resolve, Regarding Legislative Review of Portions of Chapter 1: Procedures and Portions of Chapter 3: Maine Clean Election Act and Related Provisions, Major Substantive Rules of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1392) (L.D. 1868)  
(C. "A" H-835)

- In House, **FINALLY PASSED** on April 7, 2004.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-835) AS AMENDED BY SENATE AMENDMENT "A" (S-504) thereto AND SENATE AMENDMENT "A" (S-503) in NON-CONCURRENCE.**

**TABLED** - April 12, 2004 (Till Later Today) by Representative RICHARDSON of Brunswick.

**PENDING - FURTHER CONSIDERATION.**

Representative CLARK of Millinocket moved that the House **RECEDE AND CONCUR.**

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Mr. Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative BRUNO: Mr. Speaker, Ladies and Gentlemen of the House. To the Chair of the committee, in reading over this amendment it says that these rules do not take affect until January 2005. Is that the intent of the legislation that the Ethics Commission does not interpret these rules for this coming election and wait until January to enforce these rules?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. I don't say this very often, but the good Representative from Raymond is correct.

Subsequently, the House voted to **RECEDE AND CONCUR.**

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

**HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (4) Ought to Pass as Amended by Committee Amendment "A" (H-863) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To License Home Building and Improvement Contractors"**  
(H.P. 1137) (L.D. 1551)

**TABLED** - April 8, 2004 (Till Later Today) by Representative PELLON of Machias.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

Representative SULLIVAN of Biddeford moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative COWGER: Mr. Speaker, Men and Women of the House. I ask you to not support this current motion. I ask you to go on and support the Minority Ought to Pass Report. I would like to take an opportunity to tell you why. This piece of legislation is a very important piece of legislation and it has a significant potential to protect the consumer of Maine and at the same time support our small businesses in the state.

There are many highly skilled and qualified residential builders and they deserve recognition and acknowledgement. There are, however, some unscrupulous builders that have taken consumer's money and either not completed their work or in some cases not in a very satisfactory manner.

This bill before you to license home building and improvement contractors has three very important goals. I would like to go through those with you. First of all, this bill would recognize qualified contractors who would be proud to call themselves licensed. That is why this bill is supported by the Maine Home Builders and Remodelers Association who represent quality home builders throughout the State of Maine. These builders know that the playing field will be leveled if contractors must build to a minimum standard, which is defined by the new uniform building code that we have adopted and has been signed into law. This code will form the basis for a contractor's license, and therefore the consumer can be assured that the work will be built to this standard. With a licensing program, qualified contractors cannot be underbid by another contractor that will build substandard work.

This bill licenses the person responsible for what is creating most people's situations, their most valuable asset, their home, and that is the general contractor. Beyond that, this bill also licenses very important trades that are responsible for the health and safety of our homes occupants, the citizens of the State of Maine, specifically this bill would license framers, roofers, folks that install siding, insulation, windows and also that build chimneys.

The second goal of this legislation is to create a very important consumer protection system that does not exist today and is desperately needed in the area of home construction. I suspect that many of you, if not all of you, have gotten calls from constituents over the years who have relayed a terrible experience with a contractor. These consumers are also frustrated that they don't have anywhere to turn and they have very few avenues for which to seek a solution. With an uncooperative contractor, again, that is the exception, not the rule, the only solution typically is to go to court. This is often financially not feasible for somebody who has already lost their money on a poor job, has to pay a contractor to do it again and then has to pay expensive legal fees to go to court.

This bill would set up a licensing board with many members of that board being general contractors or licensed contractors.