

# MAINE STATE LEGISLATURE

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

**Volume II**

**First Regular Session**

May 27, 2003 – June 14, 2003

**First Special Session**

August 21, 2003 – August 23, 2003

**Second Regular Session**

January 7, 2004 - January 30, 2004

**Second Special Session**

February 3, 2004 - April 7, 2004

Pages 777-1562

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
SECOND SPECIAL SESSION  
22nd Legislative Day  
Monday, March 22, 2004

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Norman F. Rust, Interim Pastor First Congregational Church of Christ, Millinocket.

National Anthem by Bonnie Edwards, Lewiston.

Pledge of Allegiance.

Doctor of the day, Peter Sedgwick, M.D., South Portland.

The Journal of Friday, March 19, 2004 was read and approved.

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**COMMUNICATIONS**

The Following Communication: (H.C. 358)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 11, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Business, Research and Economic Development has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1886      Resolve, Directing the Maine Municipal Bond Bank and the Finance Authority of Maine To Work Cooperatively with the Lincoln Water District Regarding Financing of the District

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lynn Bromley

Senate Chair

S/Rep. Nancy B. Sullivan

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 359)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 16, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1885      An Act To Ensure Competitive Bidding for Maine's School Systems

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Neria R. Douglass

Senate Chair

S/Rep. Glenn Cummings

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 360)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 16, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Insurance and Financial Services has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1601      An Act To Authorize the Superintendent of Insurance To Establish a Fair Access to Insurance Requirements Plan

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Lloyd P. LaFountain III

Senate Chair

S/Rep. Christopher P. O'Neil

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 361)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON JUDICIARY**

March 16, 2004

Honorable Beverly C. Daggett, President of the Senate

Honorable Patrick Colwell, Speaker of the House

121st Maine Legislature

State House

Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Judiciary has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1727      An Act To Amend the "Freedom of Access Laws" To Exclude Public Employees' Home Addresses

L.D. 1851      An Act To Implement the Recommendations of the Family Law Advisory Commission with Regard to the Uniform Parentage Act

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Peggy A. Pendleton

Senate Chair

S/Rep. William S. Norbert

House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 362)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON UTILITIES AND ENERGY**

March 11, 2004

Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Utilities and Energy has voted unanimously to report the following bill out "Ought Not to Pass":

L.D. 1889      Resolve, Directing the Public Utilities  
                 Commission To Implement Universal Rural  
                 Broadband Internet Access Statewide

We have also notified the sponsor and cosponsors of the Committee's action.

Sincerely,

S/Sen. Christopher Hall  
Senate Chair  
S/Rep. Lawrence Bliss  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 369)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON HEALTH AND HUMAN SERVICES**

March 11, 2004

Honorable Beverly C. Daggett, President of the Senate  
Honorable Patrick Colwell, Speaker of the House  
121st Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Health and Human Services has voted unanimously to report the following bills out "Ought Not to Pass":

L.D. 1713      Resolve, To Establish the Commission To  
                 Study Access to Prescription Medication for  
                 Persons with Mental Illness

L.D. 1726      An Act To Require Criminal History Checks  
                 Prior to Placement of Children by the  
                 Department of Human Services

We have also notified the sponsors and cosponsors of each bill listed of the Committee's action.

Sincerely,

S/Sen. Michael Brennan  
Senate Chair  
S/Rep. Thomas J. Kane  
House Chair

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 357)

**MAINE STATE LEGISLATURE  
AUGUSTA, MAINE 04333**

**COMMISSION TO ARRANGE FOR A PLAQUE OR PLAQUES  
AND A FLAG OR FLAGS TO BE DISPLAYED IN THE HALL  
OF FLAGS IN THE STATE HOUSE TO HONOR THE MAINE  
VETERANS OF WORLD WAR II AND THE KOREAN WAR**

March 15, 2004

The Honorable Beverly C. Daggett, President  
Maine State Senate  
The Honorable Patrick Colwell, Speaker  
Maine House of Representatives  
State House  
Augusta, Maine 04333

Dear President Daggett and Speaker Colwell:

This letter is to inform you that the Commission to Arrange for a Plaque or Plaques and a Flag or Flags to be Displayed in the Hall of Flags in the State House to Honor the Maine Veterans of World War II and the Korean War has completed its work and submitted its report, pursuant to Resolves 2001, chapter 113.

Sincerely,

S/Sen. Kenneth T. Gagnon, Senate Chair  
S/Rep. Monica McGlocklin, House Chair

**READ and with accompanying papers ORDERED PLACED  
ON FILE.**

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The Following Communication: (H.C. 363)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature  
State House  
Augusta, ME 04333

Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the State Board of Nursing under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,

S/Senator Lynn Bromley  
Chair  
S/Rep. Nancy B. Sullivan  
Chair

**READ and with accompanying papers ORDERED PLACED  
ON FILE.**

---

The Following Communication: (H.C. 364)

**STATE OF MAINE**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 15, 2004

The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature

State House  
Augusta, ME 04333

Dear Madam President and Mr. Speaker:  
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Board of Licensure in Medicine under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate. The committee also has provided accompanying legislation to assist the board in continuing to fulfill its statutory and administrative mandate in the future.

Sincerely,  
S/Senator Lynn Bromley  
Chair  
S/Rep. Nancy B. Sullivan  
Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 365)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 15, 2004  
The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature  
State House  
Augusta, ME 04333

Dear Madam President and Mr. Speaker:  
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the State Board of Registration for Professional Engineers under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,  
S/Senator Lynn Bromley  
Chair  
S/Rep. Nancy B. Sullivan  
Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 366)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 15, 2004  
The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature

State House  
Augusta, ME 04333  
Dear Madam President and Mr. Speaker:  
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the State Board of Osteopathic Licensure under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,  
S/Senator Lynn Bromley  
Chair  
S/Rep. Nancy B. Sullivan  
Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 367)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 15, 2004  
The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature  
State House  
Augusta, ME 04333

Dear Madam President and Mr. Speaker:  
Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Board of Optometry under the State Government Evaluation Act. In its review, the committee found that the board is operating in accordance with its statutory authority and is meeting its statutory and administrative mandate.

Sincerely,  
S/Senator Lynn Bromley  
Chair  
S/Rep. Nancy B. Sullivan  
Chair

**READ and with accompanying papers ORDERED PLACED ON FILE.**

---

The Following Communication: (H.C. 368)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE  
COMMITTEE ON BUSINESS, RESEARCH AND ECONOMIC  
DEVELOPMENT**

March 15, 2004  
The Honorable Beverly C. Daggett  
President of the Senate  
The Honorable Patrick Colwell  
Speaker of the House of Representatives  
121st Legislature  
State House  
Augusta, ME 04333  
Dear Madam President and Mr. Speaker:

Pursuant to Title 3 Maine Revised Statutes, chapter 35, we are pleased to submit the findings of the Joint Standing Committee on Business, Research and Economic Development from the review and evaluation of the Maine Board of Dental Examiners under the State Government Evaluation Act. As a product of its review, the committee has provided accompanying legislation to assist the board in fulfilling its statutory and administrative mandate in the future.

Sincerely,  
S/Senator Lynn Bromley  
Chair  
S/Rep. Nancy B. Sullivan  
Chair

**READ** and with accompanying papers **ORDERED PLACED ON FILE.**

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1295) (L.D. 1773) Bill "An Act To Amend the Definition of 'Electrical Installations' in the Laws Governing Electricians" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 1265) (L.D. 1743) Bill "An Act To Make Technical Corrections to Maine's Fish and Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-781)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 620) (L.D. 1688) Bill "An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing" (C. "A" S-430)

(H.P. 1237) (L.D. 1661) Bill "An Act To Ban the Sale of Novelties Containing Batteries with Mercury" (C. "A" H-780)

(H.P. 1269) (L.D. 1747) Bill "An Act To Amend the Medicaid Drug Rebate Program and the Elderly Low-cost Drug Program" (C. "A" H-778)

(H.P. 1270) (L.D. 1748) Bill "An Act To Amend the Rule-making Authority of the Department of Human Services to Ensure Cost-effective Operation of State Medical Services Programs and Compliance with Federal Requirements" (EMERGENCY) (C. "A" H-777)

(H.P. 1372) (L.D. 1846) Resolve, Regarding Legislative Review of Portions of Chapter 895: Underground Facility Damage Prevention Requirements, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) (C. "A" H-776)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was **PASSED TO BE ENGROSSED AS AMENDED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence.

**BILLS IN THE SECOND READING  
House as Amended**

Bill "An Act To Create Guidelines To Promote Good Science in Rulemaking"

(H.P. 699) (L.D. 942)  
(C. "A" H-767)

Bill "An Act To Authorize the Deorganization of the Town of Atkinson"

(H.P. 1247) (L.D. 1671)  
(C. "A" H-768)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED AS AMENDED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Promote the Financial Security of Maine's Families and Children"

(H.P. 1152) (L.D. 1579)  
(H. "A" H-782 to C. "A" H-774)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative BRUNO of Raymond, was **SET ASIDE.**

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended.**

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

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended** and later today assigned. (Roll Call Ordered)

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 Friday, March 19, 2004, 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 (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-377)** - Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers"

(S.P. 468) (L.D. 1410)

- 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-377).**

**TABLED** - February 11, 2004 (Till Later Today) by Representative SULLIVAN of Biddeford.

**PENDING** - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, Representative SULLIVAN of Biddeford **WITHDREW** her motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

On motion of the same Representative, the Minority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE.** Committee Amendment "A" (S-377) was **READ** by the Clerk.

The same Representative **PRESENTED** House Amendment "A" (H-788) to Committee Amendment "A" (S-377) which was **READ** by the Clerk.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. First, to my committee members, you have in a note that we are going to run unfinished two, but the copier wasn't doing what it needed to do so here we are.

This is the bill that I really would like the Representative from Waterville, Representative Hatch, to listen carefully. We have saved it for you. This is a bill that he came to me and asked that we please take care of. It came out divided. We spoke to the commissioner and this is a bill from the department and us. Both have agreed upon it. I hope you will accept this. It does not automatically do away with the boxing commission. It says that in two years we will look at it again. Every six months we have to have a financial report. I am sure there are some people that want to speak on this bill. I am going to sit down and hopefully let those people speak. I hope you accept this motion. It is one that has been worked out with everybody. Hopefully it will find acceptance. Thank you.

Representative **BOWLES** of Sanford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-788) to Committee Amendment "A" (S-377)**.

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 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, Representative Sullivan from Biddeford, why are we removing kickboxing as a regulated sport, since there are many people in this state who practice kickboxing?

The SPEAKER: The Representative from Raymond, Representative Bruno has posed a question through the Chair to the Representative from Biddeford, Representative Sullivan. The Chair recognizes that Representative.

Representative **SULLIVAN**: Mr. Speaker, Ladies and Gentlemen of the House. First I heard to the Chair, but we couldn't hear the question over here. Could you repeat the question?

The SPEAKER: The question, if I may, Representative, why is kickboxing being removed from regulation in the House Amendment or is it being removed. The Representative may proceed.

Representative **SULLIVAN**: Thank you Mr. Speaker. Kickboxing, tough man wrestling or whatever were all the requests from the department. When we took up this bill that was not in question. In question was rather or not we should do away with the commission. At the time, three sessions ago, this was there. There was only one boxing club left in the state. There are now five. This is for those people not connected with schools. It is a public safety issue and this board worries about the public safety. There has been a growth just a week ago in the paper about the up and coming of boxing and wrestling again. That is the reason for the financial report.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative O'Brien.

Representative **O'BRIEN**: Mr. Speaker, Ladies and Gentlemen of the House. What this bill is doing is protecting the young people who want to go into boxing. What it does is it protects them while they are actually in the ring. Part of the problem was that the commission wasn't feeling that there was

sufficient money coming in from the boxing clubs when the number had gone down to about one. Now there has been a new build up in the boxing clubs from Biddeford coming up through Portland and Lewiston and heading on up through Maine through Waterville and hopefully in Bangor. What we find in Lewiston is that under the auspices of the police that we have a boxing club which is located in the old Joey Gammache Gym area that they are using to help the youngsters that would normally be out on the street because you can't have an interest in everything in your local recreation departments. What we want to have is the extra protection of the youngsters while they are actually in the ring and keeping the boxing commission alive. There is sufficient money as we have more clubs involved now than what we had a few years ago. The additional thing is this would be reviewed every two years. As we know when something comes up to us again, we can look at all aspects of it and decide whether we want to keep it or not. In this instance we want to keep it. We want to keep the group alive. We want to keep the protection for the youngsters when they are actually in the ring. I want to say youngsters because when young men actually get into the ring and they are 15, 16 and 17, we don't want one of them to get unnecessarily injured. This is a protection. This is what this is.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Mr. Speaker, Men and Women of the House. It is important to note here that there is a misapprehension about what this bill does. What this bill does is eliminates the regulation of professional boxing, paid events. There have only been a couple of paid events here in the State of Maine in the last number of years. Amateur boxing, which is a concern to all of us that amateurs be protected, is overseen by the federal government through the USA Boxing Commission. What this bill does is eliminates a regulatory body within the state, regulating professional boxing that has been running a deficit month after month after month because there are no events taking place. We have to keep this Boxing Commission in place and it costs money. The cost is not borne by boxers. The cost, unfortunately, is shared among everyone else who has a license in the state. They are paying the cost unfairly because of the deficits being accumulated by the Professional Boxing Association. This bill has nothing to do with amateur boxing. It doesn't regulate them in any way. They are regulated and protected by federal regulation. I think we should defeat this motion and defeat the bill entirely. Thank you.

The SPEAKER: The Chair recognizes the Representative from Machias, Representative Pellon.

Representative **PELLON**: Mr. Speaker, Ladies and Gentlemen of the House. I stand here in support of this legislation for one reason. It protects the small child out there. We have known cases where somebody from Mass has been here boxing somebody from Lewiston and when they get back in the ring with the head gear on, it is a different individual who weighs a lot more. For the small amount of money it is costing, it is protecting one person, saving one injury, then it is worth it. I don't totally agree that this is not a paid admission. There are many times that I know when I had my own facilities in Machias, roller skating rinks in Machias and Calais, we brought boxing in, kids from different schools. It was paid admission. That was when they brought the Boxing Commission in. Saving one child is worth it. Thank you.

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

Representative **AUSTIN**: Mr. Speaker, Ladies and Gentlemen of the House. We are going through some difficult days of

debate around budget adjustments as we speak. There are definite expressions of varying sentiments in what should be done to realize the balanced budget as we move forward in doing our people's business. Please consider the present licensing board arena. Not only is it unnecessary for the protection of professional wrestlers and boxers, it is not self-supporting. This breaks with legislative language accepted during the creation of the Department of Professional and Financial Regulation mandating that each regulated profession and occupation financially support itself. As a matter of concern, as I speak to you, it is accruing a deficit of over \$45,000. This Licensing Board's freight and weight is not being borne by the General Fund. It is weighing in and tipping the scale of other Licensure Boards such as: Real Estate brokers, pharmacists, plumbers, social workers, speech pathologists, occupational therapists to name a few.

It certainly does not seem equitable for these Boards to bear this burden and not have any resources available if there should ever be a need for expenditures by their board or worse yet, incur a hike in their fees to keep the scale from tipping. In the last 7 years, there have been only two professional boxing events in Maine with a potential third being held later this month.

To coin two of our representative teachers on each side of our ring: At the sound of the bell, this is simple math presented in a teaching moment. The Commission averages one professional fight every two to three years, most certainly not enough to justify the expense of a commission. This unnecessary drain needs to be duked out. If you decide a burden has been unduly placed, then vote to eliminate the weight.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative McKenney.

Representative MCKENNEY: Mr. Speaker, Ladies and Gentlemen of the House. Perhaps we could turn the clock back about five minutes or eight minutes before we had any testimony at all on this bill. I was more understanding of what it was then than I am now. Could I ask a question?

The SPEAKER: The Chair would welcome the Representative's question.

Representative MCKENNEY: Thank you Mr. Speaker. If this bill has nothing to do about amateur boxing, how are we going to save any children?

The SPEAKER: The Representative from Cumberland, Representative McKenney has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative Hatch.

Representative HATCH: Mr. Speaker, Ladies and Gentlemen of the House. I can answer that question how it can save young lives. Kids who get into fighting are usually not scholarly kids. I guess that is the way to put it. A lot of these kids will be out on the street and in trouble. There is a wholesome way to channel some of that energy and we need to protect them there. To give you an example of what can happen when there is a group that doesn't protect the fighters. Our own Joey Gammache is an example of that. The commission that sanctioned his championship fight, he got hurt, sustained brain damage and so forth, knew full well that his opponent was half again as big as he was and tougher than a bull. There was not a match whatsoever and it should never have been sanctioned. It is true that we don't have a lot of fights up here, but the ones we do, it is the least we can do for any of these kids who go from 10 or 11 years old doing this to the time they enter the pros. It is a continuation thing. As far as the money goes, this money is a shell game and I think the words fuzzy math comes to mind. Here is a group that may use a secretary for eight hours for one day a year, but yet due to the way the cost of running this department is divided up, they wind

up with an \$18,000 or \$20,000 price tag for that. Anyone who has been on the Business Committee has run into that before. I think almost everyone who has ever been on the committee questions their modus operandi. For those two reasons, I hope you will vote go along with this. This is a test. If it doesn't turn out, we can get rid of it later. Let's not throw the baby out with the bathwater.

On motion of Representative RICHARDSON of Brunswick, **TABLED** pending **ADOPTION of House Amendment "A" (H-788) to Committee Amendment "A" (S-377)** and later today assigned. (Roll Call Ordered)

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**HOUSE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (H-750) - Minority (5) Ought Not to Pass - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act Regarding the Sale of Weapons at Gun Shows"**

(H.P. 674) (L.D. 917)

**TABLED - March 11, 2004 (Till Later Today)** by Representative DUPLESSIE of Westbrook.

**PENDING - ACCEPTANCE OF EITHER REPORT.**

On motion of Representative RICHARDSON of Brunswick, **TABLED** unassigned.

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**Bill "An Act To Support Clean and Efficient Energy for the Future of Maine's Economy and Environment"**

(S.P. 407) (L.D. 1261)

(C. "A" S-424)

**TABLED - March 19, 2004 (Till Later Today)** by Representative BLISS of South Portland.

**PENDING - PASSAGE TO BE ENGROSSED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-424)** in concurrence.

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

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**An Act To Create the Maine Military Family Relief Fund**

(S.P. 657) (L.D. 1724)

(C. "A" S-422)

**TABLED - March 19, 2004 (Till Later Today)** by Representative RICHARDSON of Brunswick.

**PENDING - PASSAGE TO BE ENACTED.** (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 346**

**YEA - Adams, Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Carr, Churchill E, Churchill J, Clark, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Davis, Dudley, Dunlap, Duplessie, Duprey G, Earle, Eder, Finch, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Glynn, Goodwin, Grose, Hatch, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jennings, Jodrey, Joy, Kane, Ketterer, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Lundeen, Maietta, Mailhot, Makas, Marley, Marraché, McCormick, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, Nutting,**



O'Brien J, O'Brien L, O'Neil, Paradis, Peavey-Haskell, Pellon, Percy, Pineau, Pingree, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Tobin J, Trahan, Treadwell, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - NONE.

ABSENT - Blanchette, Daigle, Dugay, Duprey B, Faircloth, Greeley, Hotham, Kaelin, McGlocklin, McGowan, McKee, Patrick, Perry A, Perry J, Smith W, Usher.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, 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**.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

**SENATE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (S-377) - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Eliminate State Licensing of Boxers, Wrestlers and Transient Sellers"**

(S.P. 468) (L.D. 1410)

Which was **TABLED** by Representative RICHARDSON of Brunswick pending **ADOPTION of House Amendment "A" (H-788) to Committee Amendment "A" (S-377)**. (Roll Call Ordered).

On motion of Representative SULLIVAN of Biddeford, **House Amendment "A" (H-788) to Committee Amendment "A" (S-377) was INDEFINITELY POSTPONED**.

The same Representative moved that **Committee Amendment "A" (S-377) be INDEFINITELY POSTPONED**.

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

Representative BRUNO: Mr. Speaker, Men and Women of the House. We have before us a bill to eliminate a board that is operating in the red. It really serves no useful purpose any longer and we have budget problem. I think anytime we have an issue where we can save some money for the State of Maine, I think we ought to go ahead and pass that kind of legislation. I know it is a confusing bill. There are some emotional issues about why you ought to keep this boxing board around, but I truly believe they don't serve a purpose any longer. I think it is time to pass this bill, do away with this commission. By keeping this commission around for another two years, you are making every other board and commission support a commission operating in the red. Why should everyone else who holds a license in this state be forced to pay to sustain a board that really serves no purpose? Therefore, Mr. Speaker, I request a roll call.

Representative BRUNO of Raymond **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE Committee Amendment "A" (S-377)**.

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 Indefinite Postponement of

Committee Amendment "A" (S-377). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 347**

YEA - Adams, Ash, Beaudette, Berube, Bliss, Brannigan, Breault, Bull, Bunker, Canavan, Clark, Cowger, Craven, Crosthwaite, Cummings, Dudley, Dugay, Dunlap, Duplessie, Duprey G, Earle, Eder, Faircloth, Finch, Gagne-Friel, Gerzofsky, Grose, Hatch, Hutton, Jackson, Jennings, Kane, Ketterer, Koffman, Lemoine, Lerman, Lessard, Lundeen, Makas, Marley, Marraché, Mills J, Moody, Norbert, Norton, O'Brien L, O'Neil, Paradis, Pellon, Percy, Pineau, Pingree, Piotti, Richardson J, Rines, Rogers, Sampson, Simpson, Smith N, Sullivan, Suslovic, Thomas, Thompson, Twomey, Walcott, Watson, Wheeler, Woodbury, Mr. Speaker.

NAY - Andrews, Annis, Austin, Bennett, Berry, Bieman, Bowen, Bowles, Brown R, Browne W, Bruno, Bryant-Deschenes, Campbell, Carr, Churchill E, Churchill J, Clough, Collins, Courtney, Cressey, Curley, Davis, Fischer, Fletcher, Glynn, Greeley, Heidrich, Honey, Jacobsen, Jodrey, Joy, Landry, Ledwin, Lewin, Maietta, Mailhot, McCormick, McKenney, McLaughlin, McNeil, Millett, Mills S, Moore, Murphy, Muse, Nutting, O'Brien J, Peavey-Haskell, Rector, Richardson E, Richardson M, Rosen, Sherman, Shields, Snowe-Mello, Stone, Sukeforth, Sykes, Tardy, Tobin D, Tobin J, Trahan, Treadwell, Vaughan, Wotton, Young.

ABSENT - Barstow, Blanchette, Daigle, Duprey B, Goodwin, Hotham, Kaelin, McGlocklin, McGowan, McKee, Patrick, Perry A, Perry J, Saviello, Smith W, Usher.

Yes, 69; No, 66; Absent, 16; Excused, 0.

69 having voted in the affirmative and 66 voted in the negative, with 16 being absent, and accordingly **Committee Amendment "A" (S-377) was INDEFINITELY POSTPONED**.

The Bill was assigned for **SECOND READING** Tuesday, March 23, 2004.

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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 (12) Ought to Pass as Amended by Committee Amendment "A" (S-417) - Minority (1) Ought Not to Pass - Committee on BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Ensure Uniform Code Compliance and Efficient Oversight of Construction in the State"**

(S.P. 356) (L.D. 1025)

- 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-417)**.

**TABLED** - March 11, 2004 (Till Later Today) by Representative SULLIVAN of Biddeford.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-417) was READ** by the Clerk.

Representative DUPREY of Medway **PRESENTED** **House Amendment "A" (H-764) to Committee Amendment "A" (S-417)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. A 12 to 1 report out of committee. Why? First off, I feel it is the right thing to do. When we voted this bill out of committee, I was not comfortable with it and felt that the municipalities throughout the state needed a choice. This amendment would maintain local control. It does not create the uniformity within the building community that supporters of LD 1025 as written would argue. I am not asking for you to defeat this bill, just make it better by giving all towns and cities in Maine a choice of no building code, keeping their existing code if they have one or by choosing between one of two nationally recognized codes, the NFPA200 or the international codes, the IBC, the IRC and the whole family of I codes.

LD 1025, as written does not give towns the flexibility they should have. By amending this bill, we will allow towns the flexibility to choose between one of two codes. Supporters of LD 1025 will argue that by adopting this amendment it is contrary to a uniform building code for the State of Maine. That may be true to some extent, but think for a moment of all the municipalities that currently have building codes. LD 1025 does not mandate that they forego the codes they have been adhering to for years. It gives them the choice to maintain the codes or to adopt one code, the I code

All I am asking you to do is allow them to choose between the I codes or the NFPA codes. This bill would not create a more uniform position that we already have. It just gives the towns flexibility.

One point to ponder, architects, designers and engineers may say that they support the I codes, but I ask you, who were the first ones to respond to a building when it is fully involved? Is it the architects or the engineers? No, it is the firefighters. That is a another reason we need to support this amendment and give the towns the option or choice of the NFPA codes. Mr. Speaker, I request the yeas and nays.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-764) to Committee Amendment "A" (S-417)**.

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 Westbrook, Representative Duplessie.

Representative **DUPLESSIE**: Mr. Speaker, Ladies and Gentlemen of the House. I arise today in support of this amendment. This amendment will give the communities a choice. This amendment gets us back a little ways towards the original intent of this legislation. The original intent was to have registration and or licensing of building contractors in the State of Maine. To do that, you need some uniformity of codes and uniformity for all communities. The current bill would not give us the uniformity, but it is a step. The amendment is a step to allow the communities a choice of what they should have for the codes.

I will just go into a little bit on why I consider the NFPA5000 code as a choice in conjunction with the IC code. Firefighter safety has always been a priority of mine and it always will be. I have been there. Firefighter safety is a priority of the NFPA codes. It takes it into consideration. It is the only code that has firefighter safety written into its codes. When the experts fail, who gets the calls to deal with the crisis and the carnage at the scene? It is not the building construction people that built the building. It is not the architects. It is not the engineers. It is the firefighters. We know of many examples over the years when codes failed and firefighters lives have been lost because of

codes that failed because the architects or the engineers or the building inspectors failed to do their job adequately.

The I code is a good code, don't get me wrong. It has many good components in it, but it is not a code complete within itself. It must use some of the NFPA codes to be a complete code. It must use NFPA standards for the electrical code. It must use the NFPA standards for flammability and combustible liquid code. It must use NFPA codes for the life safety code that every community has to comply with. That is the main piece that we do have adopted in Maine, it is just the NFPA101 code. Those care codes, no matter what other code organizations write, they still must use NFPA codes.

A letter here from the City of Bangor, fire prevention officer, speaks about why 41 times the I codes within its codes refers to the NFPA codes. The NFPA codes speaks to the I code or any other code, zero times. You tell me which one is that authoritative codes. The NFPA codes are also the only codes that are developed through a true consensus process. They are the only codes recognized by the American National Standards Institute because of a true consensus process.

The NFPA5000 code is also the first ever model building code to mandate consideration of firefighter safety as part of the building construction process. A letter from the South Portland fire chief talking about forcing the municipalities to adopt the I codes means that they would not have the option to use the NFPA code and safety code, which is coordinated with the main codes and standards that are enforced by our State Fire Marshall and other state agencies.

If they currently use it, yes, they can continue to use it under this code. In the future, communities that don't have codes, they will be locked into one code. There will be no choice. That is why I have such concern that public safety long term will suffer in Maine.

As you consider this legislation, I urge you to consider this and to add the option of the NFPA5000 to this legislation. This amendment is a proper amendment. It is a just amendment. It protects firefighters. It protects the citizens. It gives the communities the choice. Thank you.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Rector.

Representative **RECTOR**: Mr. Speaker, Men and Women of the House. We are nothing here if not about process. We take process seriously as we should, for without it we have nothing.

This piece of legislation that came out of the BRED committee is the very essence of the legislative process. As a carry over bill that was worked by a group consisting of all of the interested parties, it represents some of the best legislative work that I have had the pleasure to undertake in my first term here in the house.

Knowing that this issue had been here repeatedly in the past, our committee also knew the importance to the state of gathering consensus around a single building code, whatever code that was, and finally adopting that single model code for the people of the State of Maine.

Last year, as a committee, we listened carefully to testimony from many, many people who supported that notion of uniformity of building code. It is important to note that we are one of but a handful of states who have not adopted a state model building code. That is code, not codes where uniformity cannot exist.

After hearing all the testimony from experts we knew that the only way this was going to be resolved was to have all the parties involved get together and develop a consensus as to which code this state was to adopt.

That working group did just that. They worked and met repeatedly. Their conclusion came back to our committee. We

listened to additional testimony, recognized their insights, and adopted their recommended code. That vote was 12 to 1 to accept their recommendations.

It was the right decision. It is the only decision that makes sense. This code represents a high national standard that is used across the state by many communities now. See the list. Read the towns and cities that are already on here. The City of Bangor was the first city in the state to adopt the newest I codes. Which code would we test to if we had contractor licensing? There has been a lot of talk about contractor licensing. There are have been concerns about advancing contractor licensing. Part of the reason that didn't move forward in the committee is because there was no specific standard code to test to. If adopting possibly two codes here in the state, which code would you use to test to, NFPA or the International Codes?

It is important that the life safety code, there is a lot of concern here about firefighters and I am grateful for that because I am one of them. The life safety code from the NFPA is still endorsed by the Fire Marshall and is in place, but the Fire Marshall is a member of the committee that worked on this code issue and agreed with a majority of the committee and affirmed his support of the committee report that the International code should be adopted. Thank you Mr. Speaker.

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

Representative **SULLIVAN**: Mr. Speaker, Men and Women of the House. It seems to be my day here. First of all, we have had all kinds of bills before this session and in the First Regular Session we had LD 1025, LD 1551, LD 688, LD 287 and they are all dealing with building codes and licensing for contractors. Because of the tremendous interest and concern and the desire of this committee, both sides of the aisle, to come up with a decision, we had basically three groups working this past summer. One was stakeholders that was chaired by a building code steering committee. Another stakeholder meeting was chaired by the Attorney General's Office and another one was a sunrise review conducted by the Department of Professional and Financial Regulation. They all came back with the same decision for lowering prices for affordable housing, for moving economic development forward, for protecting the consumer. We needed a code. After a lot of discussion it came up and some of the stakeholders, I might add, the State Fire Marshall, the Maine Fire Chiefs Association, the Associated Contractors of Maine, the Maine Home Builders and Remodeling Association, the American Institute of Architects, the Maine Building Officials and Inspectors Association, the Maine Municipal Association, Plumbing, heating and cooling contractors, the State Planning Office and it goes on. All of those people came together. Can you believe it, they came up with consensus. It is unheard of. All these agencies and after listening to debate, we decided in order to make sure that local control continued, MMA put forth an idea that if you do not have a code now, a small community, you don't have to adopt one. We are not going to make you hire people. We are not going to give you a mandate. It just says that in the future you decide to have a code, you will go with the state code.

This morning I passed around a letter from the State of New York. They have to create a code because they were known for being overly restrictive and difficult to do business with by not having a state code. The architect, the engineers, they want to know that when they create a plan, it is good everywhere. As Representative Rector mentioned, we want to make sure that if there is some problem with the building, there is something to hold it up as a standard. This is the code. This is how you fail to meet that code.

You also have a letter from the State Fire Marshall of which a lot of people said, oh no, they were forced to go along with. The Office of the State Fire Marshall supports LD 1025 as reported out of committee without further amendments, as do all the state agencies, which have worked with my office on this issue, including the Governor's Office. I ask you to move this forward and think, a uniform code means one, not a lot of choices, not two choices and it is 80 odd towns that already have codes, have either the I code or the BOCA, which are the baby I codes. Everybody that has a code will be in compliance with the state code and everybody who does not have a code need not have a code until they are ready to have the state code. It is the best of all worlds. I ask you to vote against this amendment and go to the 12 to 1 report. Thank you very much.

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

Representative **CLOUGH**: Mr. Speaker, Ladies and Gentlemen of the House. In the 120th Legislature I served on the Business and Economic Development Committee and in that session my good friend from Hallowell, Representative Cowger, brought a bill before us, which would have enabled us to register licensed contractors. That was supported by the Attorney General's Office because they thought that concept would have enabled them to better prosecute cases coming before that office. There was little support for the concept due to the fact that we did not have a statewide building code to license to. It was decided that the first step should be the adoption of such a code. I see this bill as a great step forward with that objective. LD 1025 as amended by Senate Amendment 417, the Committee Amendment, provides the foundation for moving forward to contractor licensing if we should agree in the future that that is what we want to do. I would ask you to vote to defeat the pending motion and move on to pass the bill as amended.

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

Representative **COWGER**: Mr. Speaker, Colleagues of the House. I, too, would like to join my colleague from Scarborough and urge you to vote against the pending motion. Let's accept the work the committee has done here and move ahead toward getting something that is consistent, that is a basis for moving forward with state contractor licensing at some point in the future. I also want to look at the accepted standard in the State of Maine and across the country. If you look at states that have adopted a statewide building code and the majority of them have, they have adopted the international family of codes, the international building code, and the international residential code. You may have heard that California has gone out and adopted the NFPA code. Based on my research, that is not true. There were two strong staff recommendations in California that they adopt the international family of codes. California did take an action, however, and adopted both codes, both the NFPA and IRC. I think there will be a great deal of confusion on how they administer those codes. In that, they made it very clear that for the purposes of one and two family dwellings, which is really what we are talking about here in the State of Maine, the State of California is still going to rely on the international residential code. For all intensive purposes, every state in this country that has adopted a code is uniform with the international codes.

As the Representative from Biddeford said, all the towns in Maine that have codes, and there are 85 towns in the state that have adopted some form of building code, with the exception of Morrill and Upton, they have their own home grown codes, parenthetically, Morrill supports this bill as it came out of committee. With the exception of those two towns all the other towns either have the international code, the BOCA code or

CABO code. BOCA and CABO are no longer being supported. They are going to be replaced by the international codes.

In a survey done by the Maine Building Officials and Inspectors Association, 62 of these 85 towns said that they will adopt the international code within one year. An additional 12 of these towns said that they will adopt it within two years. We already have the majority of these towns going to the international code anyway. What we need to do is develop consistency for our builders, our architects, our communities, our economic development in the State of Maine and we need to tell any other town that wants to come on board to join the ship and be consistent and adopt the I codes.

Again, I hope we defeat the pending amendment and accept the committee's work. Thank you Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Duprey.

Representative **DUPREY**: Mr. Speaker, Ladies and Gentlemen of the House. I would just like to call your attention to a couple of handouts that I assume you have received. One is a letter dated March 17 from the Maine Fire Chief's Association where it says, "We, the Maine Fire Chief's Association do support the amendment allowing towns to choose between the two building codes. We support the Fire Marshall's Office in this LD 1025." There is also a handout from Mid Maine Code Enforcement Officers who supports amending and allowing the inclusion of this amendment, NFPA5000. You just recently received a letter from the City of South Portland, South Portland Fire Department favoring this amendment.

Just one quick point I would like to make. Mandating the use of the IBC and the IRC would also cost taxpayers in our communities. The International Code Council, developers of the IBC and IRC make no arrangements to provide free training and assisted codebooks to code enforcement officers. The NFPA provides the free training and associated codebooks necessary to make the implementation of the NFPA possible. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines.

Representative **RINES**: Mr. Speaker, Ladies and Gentlemen of the House. I find myself in the awkward position this morning of being on the other side of this issue. As a veteran of the fire service for twenty some odd years, I will be voting with the committee's vote on the I family of codes.

A couple weeks ago I had the opportunity to meet with many of the chiefs in the area and from around the state over at the Inn when they had their legislative evening. As I made my way around the crowd that evening, I had two questions that I wanted answers to. The first was how they felt about the building code and the second was the safety code we did a few days ago. What I a code? A code is a minimum standard to do something to. The NFPA is a minimum standard. The I family of codes, which falls in the back of the old BOCA codes is also a minimum standard. As I made my way around the room and I asked the questions, the first question the latter issue was unanimous. On this issue they were just as split as this body is. The question comes down to, do you want to dilute the system by having two codes on the books and a lot of disparity and a lot of discrepancies or do you want to have a uniform minimum standard for the state to have. You heard from the good Representative that the committee had worked long and hard on this with the stakeholders at the table. She is 100 percent correct.

I spoke with the Fire Marshall also that evening. I outright asked him the question of how he felt. He said that we need a building code. I asked the next question, does this conflict with what the Fire Marshall's Office is currently doing? He said no.

He had no problem with the I family of codes working with the codes that the Fire Marshall's Office already now uses and enforces to keep our citizens safe and our firefighters safe. I would urge you to vote with the committee report. Thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Smith.

Representative **SMITH**: Mr. Speaker, Men and Women of the House. I would ask you in the plethora of papers you have gotten on this one that went out this morning. It is green. It starts with LD 1025 building codes. I will be referring to that. I will make this as concise as I can to answer some of the discussion that has gone on this morning. First thing I would like you to do is turn it over and see who sponsored it. You have nine House members that are on the BRED Committee sponsoring this. Rather than referring to letters that people outside the body have written, this is a summary from nine House members of the BRED Committee.

Let me jump down to the bottom of the first page where we talk about safety of first responders. Before I do that, let me back up and talk about the bill just a minute. We have an inside joke in the Business Research and Economic Development Committee. This committee was the first choice for everyone on the committee. We thought, business, research, economic development, we want that. The majority of what we work with is boxers, dentists, dental hygienists, it should be the committee with oversight over boards of oversight. With this bill we have what we want. This is business, research and economic development. It is a great bill. The House Amendment neutralizes it.

Let me just down now to the bottom of the first page, safety and first responders. I love poetic irony even when it happens to me. The night that I was working on this paper sitting at my computer, the whole family is home doing our regular stuff. There is a knock at the door. My son opens the door and it is a young man telling me, I think you have a chimney fire. I went outside and we have 100 sparklers coming out of the chimney. My husband runs downstairs and battens down the chimney. My 17-year-old son is a junior firefighter. He got his gear on. I am calling 911 and he sends my 14 year old up to the attic with kerchief over his face to see what is going on in the attic. That never would have occurred to me. Let me say regarding first responder safety, as a homeowner, as the mother of a junior firefighter, as the daughter of a 22-year veteran of volunteer fire departments, the safety of firefighters is a priority for everyone in this room. Nobody is looking to minimize this. With that, let me point out to you that the NFPA personal safety code, which is designed to ensure safe entry and exist from the buildings in case of fire has already been adopted by the Maine State Fire Marshall's Office. It is already required through the state. This bill does not undo that. The safety for first responders and for residents trying to get out is a top priority. That is not being minimized with this bill.

Let me also point out the discussion over flexibility versus consistency. It is a balancing act. On flexibility, we do things like not require it. This was not an unfunded mandate. That was very important. Towns can choose to adopt a building code. The other amount of flexibility in the bill itself allows for minor changes or adoptions of other codes so long as they don't change the overall purpose of the first code. One of the reasons for adopting this and one of the places where this might come in handy is snow loads. If you tried to have a code that dictated appropriate snow load considerations for Cape Elizabeth and Fort Kent, that would not be helpful for what we are trying to accomplish. There is flexibility in that case.

Consistency is important. I note here that the consumer's costs go down 5 to 10 percent. That is the estimate with this bill. That is not from cutting corners at all. That is about the efficiency that comes with working with one set of rules. It is an improvement to the system.

Let me also mention that there was also discussion earlier about codes referencing each other. I looked into this over the weekend because I wasn't sure what all that meant. What I found out was this is very normal practice. Building codes refer to each other. If you have a code that is already established, something for a specific issue, you just absorb it. As an instance, the American Institute of Timber Construction, their code is adopted for structural glue laminated timber. That is glue lams. I used to work with that for a living. I know what that means. The AITC is the expert on those. Those codes are part of it.

For the I codes and for the NFPA there are standard references where they tell you what codes they refer to and where. One is 16 pages long and one is 11 pages long. Let me correct an error. Both codes do refer to each other in the things where they are considered experts. On fire safety, the I codes refer to the NFPA. On other issues the NFPA does refer to the I codes. This is normal. It is efficient. If somebody established the code that you need, then you adopt it as a part of your overall codes.

Let me wrap up with just one final point. On the back of the page it talks about two competing codes. This ties in again with flexibility. This has always been about which of the two codes. The amendment will undo the bill because it has been which of these two codes. It is not like we started with an ocean of 40 codes and we narrowed it to two. That is an improvement. That is not the case. It has been about two codes.

Let me point out that both of these organizations are for profit businesses. These are not benevolent associations. When it was said earlier that the NFPA provides free training that was one of the first things I heard months ago in the halls. What I have learned is the free training comes with membership dues. Membership dues are required for every single person. If a town wants to adopt the codes and wants people to get training, then the code enforcement officer needs membership, their fire marshal needs membership. It is individual. I think that remark was misleading as well.

I will just ask you to look this over and realize that nine of the 10 House members have approved this going out. I tried to outline the issues, what problems we are trying to solve and why the amendment is not at all helpful. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Koffman.

Representative **KOFFMAN**: Mr. Speaker, Ladies and Gentlemen of the House. In my first term in the 120th Legislature I introduced a bill that would call for the development of a rehab rehabilitation sub code for older historic buildings. Having learned from several states that have such a code, a rehab code would help Maine revitalize its downtown areas that have older buildings that are underutilized today. That bill passed and we formed a group to craft the sub code rehab code made up of code enforcement folks and historic building folks and the Fire Marshall, etc. There must have been 15 people who met 10 times through the fall leading up to the end of their work. They were to introduce this code. They worked well together, but they ended up in a dead heat dueling over competing codes. They concluded that the only way we were going to have an effective rehabilitation code for the State of Maine was to have a uniform code. I was very disappointed that they weren't able to come up for a solution that was good for Maine at that time. I am really

thrilled that the Business, Research and Economic Development Committee have been able to achieve the success that I was not able to succeed with in my first term. I think this code is going to be good for economic development. I think it is going to be good consumer protection. I think it is going to be good for historic preservation of buildings that we really cherish. It is going to revitalize our downtowns and it is going to be very helpful for the construction of affordable housing in rehabilitating older buildings. I do urge you to vote against the pending motion. Thank you.

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

Representative **SUSLOVIC**: Mr. Speaker, Men and Women of the House. Just, very briefly, I want to echo something that the good Representative from Thomaston pointed out in terms of process. This is not a brand new issue. I think we have been studying this issue for years and gradually the conclusion was arrived at that we need one model code in the state. The over 40 stakeholders listed up and down the back of this green sheet of paper worked diligently and over time built enough trust to set aside some of their turf issues and come together. I am not going to pretend to be an expert on every line of every building code. My wife and kids remind me every day, Dad, you don't know as much as you think you do. They are right. The people that have worked so hard on this issue for so long do know and that is why I will be following their recommendation and voting against the pending motion and supporting the work of the committee. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-764) to Committee Amendment "A" (S-417). All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 348

YEA - Adams, Ash, Bierman, Browne W, Carr, Clark, Dugay, Duplessie, Duprey G, Eder, Finch, Gerzofsky, Glynn, Greeley, Grose, Hatch, Jennings, Ketterer, Lundeen, Maietta, Moody, Muse, Norton, Paradis, Pineau, Richardson J, Richardson M, Tardy, Thomas, Tobin J, Treadwell, Twomey.

NAY - Andrews, Annis, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Churchill E, Churchill J, Clough, Collins, Courtney, Cowger, Craven, Cressey, Crosthwaite, Cummings, Curley, Davis, Dudley, Dunlap, Earle, Faircloth, Fischer, Fletcher, Gagne-Friel, Goodwin, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jodrey, Joy, Kane, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Mailhot, Makas, Marley, Marraché, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moore, Murphy, Norbert, Nutting, O'Brien J, O'Brien L, O'Neil, Peavey-Haskell, Pellon, Percy, Pingree, Piotti, Rector, Richardson E, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Thompson, Tobin D, Trahan, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

ABSENT - Blanchette, Daigle, Duprey B, Hotham, Kaelin, McCormick, McGlocklin, McGowan, McKee, Patrick, Perry A, Perry J, Smith W, Usher.

Yes, 32; No, 105; Absent, 14; Excused, 0.

32 having voted in the affirmative and 105 voted in the negative, with 14 being absent, and accordingly the motion to **ADOPT House Amendment "A" (H-764) to Committee Amendment "A" (S-417) FAILED.**

Representative GLYNN of South Portland **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-417).**

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 Adoption of Committee Amendment "A" (S-417). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 349**

YEA - Andrews, Annis, Ash, Austin, Barstow, Beaudette, Bennett, Berry, Berube, Bierman, Bliss, Bowen, Bowles, Brannigan, Breault, Brown R, Browne W, Bruno, Bryant-Deschenes, Bull, Bunker, Campbell, Canavan, Churchill E, Clough, Collins, Courtney, Cowger, Craven, Crosthwaite, Cummings, Curley, Davis, Dudley, Dunlap, Earle, Eder, Faircloth, Fischer, Fletcher, Gagne-Friel, Gerzofsky, Grose, Heidrich, Honey, Hutton, Jackson, Jacobsen, Jodrey, Kane, Koffman, Landry, Ledwin, Lemoine, Lerman, Lessard, Lewin, Mailhot, Makas, Marley, Marraché, McKenney, McLaughlin, McNeil, Millett, Mills J, Mills S, Moody, Moore, Murphy, Muse, Norbert, Norton, O'Brien J, O'Brien L, O'Neil, Paradis, Pellon, Percy, Piotti, Rector, Richardson E, Richardson J, Richardson M, Rines, Rogers, Rosen, Sampson, Saviello, Sherman, Shields, Simpson, Smith N, Snowe-Mello, Stone, Sukeforth, Sullivan, Suslovic, Sykes, Tardy, Thomas, Thompson, Tobin D, Trahan, Twomey, Vaughan, Walcott, Watson, Wheeler, Woodbury, Wotton, Young, Mr. Speaker.

NAY - Adams, Carr, Churchill J, Clark, Cressey, Dugay, Duplessie, Duprey G, Finch, Glynn, Goodwin, Greeley, Hatch, Jennings, Joy, Ketterer, Lundeen, Maietta, Nutting, Peavey-Haskell, Pineau, Pingree, Tobin J, Treadwell.

ABSENT - Blanchette, Daigle, Duprey B, Hotham, Kaelin, McCormick, McGlocklin, McGowan, McKee, Patrick, Perry A, Perry J, Smith W, Usher.

Yes, 113; No, 24; Absent, 14; Excused, 0.

113 having voted in the affirmative and 24 voted in the negative, with 14 being absent, and accordingly **Committee Amendment "A" (S-417) was ADOPTED.**

The Bill was assigned for **SECOND READING** Tuesday, March 23, 2004.

Expression of Legislative Sentiment Recognizing Rita Saucier Dubé, of Lewiston, who has been elected to the Franco-American Hall of Fame.

(HLS 1343)

TABLED - March 18, 2004 (Till Later Today) by Representative MAILHOT of Lewiston.

PENDING - **PASSAGE.**

Subsequently, the Expression of Legislative Sentiment **PASSED** and sent for concurrence.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 722) (L.D. 1874) Bill "An Act To Amend the Charter of the South Berwick Water District" (EMERGENCY) Committee on **UTILITIES AND ENERGY** reporting **Ought to Pass**

(S.P. 727) (L.D. 1879) Bill "An Act To Amend the Boiler and Pressure Vessel Law" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-431)**

(S.P. 728) (L.D. 1880) Bill "An Act To Amend the Laws Governing the Loring Development Authority of Maine" (EMERGENCY) Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-432)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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

On motion of Representative DUPLESSIE of Westbrook, the House adjourned at 12:12 p.m., until 9:00 a.m., Tuesday, March 23, 2004.