

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH MAINE
LEGISLATURE
FIRST REGULAR SESSION
25th Legislative Day
Thursday, March 26, 2015

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

Prayer by Reverend Scott Wilson, Rangeley Free Baptist Church.

National Anthem by Tom Curtis, Norway.

Pledge of Allegiance.

Doctor of the day, Kenneth Christian, M.D., Holden.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Resolve, To Allow a Federally Recognized Indian Tribe To Conduct a Pilot Project in Hemp Cultivation

(H.P. 688) (L.D. 993)

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in the House on March 19, 2015.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

Bill "An Act To Ensure Proper Funding for Teacher Retirement"

(H.P. 54) (L.D. 60)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A"** (H-14) in the House on March 19, 2015.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses"

(H.P. 709) (L.D. 1026)

REFERRED to the Committee on **MARINE RESOURCES** in the House on March 24, 2015.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 102)

STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT

March 25, 2015

Honorable Robert B. Hunt

Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Senate Rule 201.3, I have rescinded my December 23, 2014 appointments to the Joint Standing Committee on State and Local Government and appoint the following Senators:

Senator Rodney L. Whittemore of Somerset, Chair

Senator Michael J. Willette of Aroostook

Senator Nathan L. Libby of Androscoggin

Sincerely,

S/Michael D. Thibodeau

President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 101)

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

March 26, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the Committee on Labor, Commerce, Research and Economic Development has approved the request by the sponsor, Senator Cushing of Penobscot, to report the following "Leave to Withdraw":

L.D. 1011

An Act To Address Drug Testing in the Workplace and the Effect of Approved Substances on Current Drug Policy

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (S.C. 162)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

March 25, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Patricia G. Worth of Belfast for reappointment as a District Court Judge.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

The following Bills were received, and upon the recommendation of the Committee on Reference of Bills were REFERRED to the following Committees, ordered printed and sent for concurrence:

AGRICULTURE, CONSERVATION AND FORESTRY

Bill "An Act To Protect Populations of Bees and Other Pollinators"

(H.P. 766) (L.D. 1105)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Representatives: HARLOW of Portland, HICKMAN of Winthrop, SAUCIER of Presque Isle.

Bill "An Act To Compensate Beekeepers for Hive Losses"

(H.P. 767) (L.D. 1106)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Representatives: DUNPHY of Old Town, HARLOW of Portland, HICKMAN of Winthrop, McELWEE of Caribou.

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Improve the Laws Governing the Purchasing of Power"

(H.P. 768) (L.D. 1107)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Representatives: DION of Portland, RYKERSON of Kittery.

Bill "An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines"

(H.P. 775) (L.D. 1124)

Sponsored by Representative DUNPHY of Embden.

Cosponsored by Senator WOODSOME of York and Representatives: BABBIDGE of Kennebunk, BEAVERS of South Berwick, DeCHANT of Bath, HIGGINS of Dover-Foxcroft, O'CONNOR of Berwick, RYKERSON of Kittery, Senator: BREEN of Cumberland.

HEALTH AND HUMAN SERVICES

Bill "An Act To Protect Children and the Public from Electronic Cigarette Vapor"

(H.P. 769) (L.D. 1108)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Representatives: HYMANSON of York, SANBORN of Gorham.

Bill "An Act To Expand Public Access to Epinephrine Autoinjectors"

(H.P. 776) (L.D. 1125)

Sponsored by Representative PETERSON of Rumford.

Cosponsored by Senator HASKELL of Cumberland and Representatives: BURSTEIN of Lincolnville, GATTINE of Westbrook, HEAD of Bethel, MALABY of Hancock, McCABE of Skowhegan, SHORT of Pittsfield, Senator: BRAKEY of Androscoggin.

LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Facilitate the Completion of Training by Certain Cosmetology Students" (EMERGENCY)

(H.P. 770) (L.D. 1109)

Sponsored by Representative NADEAU of Winslow.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: DOORE of Augusta, FOWLE of Vassalboro,

GUERIN of Glenburn, KORNFIELD of Bangor, LONGSTAFF of Waterville, McLEAN of Gorham, PICCHIOTTI of Fairfield, SCHNECK of Bangor.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

TAXATION

Bill "An Act To Provide Property Tax Deferral for Senior Citizens and People with Disabilities"

(H.P. 777) (L.D. 1126)

Sponsored by Representative COOPER of Yarmouth.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: BEAVERS of South Berwick, BEEBE-CENTER of Rockland, HYMANSON of York, Senator: BAKER of Sagadahoc.

TRANSPORTATION

Bill "An Act To Modernize Road User Fees"

(H.P. 771) (L.D. 1110)

Sponsored by Representative McLEAN of Gorham.

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Provide Funding to Municipalities To Assist with the Maintenance of Veterans' Graves"

(H.P. 772) (L.D. 1111)

Sponsored by Representative EVANGELOS of Friendship.

Cosponsored by Senator MIRAMANT of Knox and Senator: JOHNSON of Lincoln.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act Regarding the Authority of the Secretary of State and the Attorney General To Conduct Investigations of Vote Recounts"

(H.P. 778) (L.D. 1127)

Sponsored by Representative COOPER of Yarmouth.

Cosponsored by Senator BREEN of Cumberland and Senator: MIRAMANT of Knox.

Pursuant to Statute

Criminal Law Advisory Commission

Representative FOWLE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013"

(H.P. 773) (L.D. 1112)

Be REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was READ and ACCEPTED and the Bill REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative MONAGHAN of Cape Elizabeth, the following Joint Resolution: (H.P. 774)

JOINT RESOLUTION RECOGNIZING

SUNSHINE WEEK, MARCH 15, 2015 TO MARCH 21, 2015

WHEREAS, President James Madison, generally regarded as the father of our federal Constitution, wrote that "a people who mean to be their own Governors, must arm themselves with the power which knowledge gives"; and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in its government and in the government's ability to effectively serve its citizens; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority for the State of Maine; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 15-21, 2015 and confirm our commitment to openness and transparency in all aspects of our operations and to setting a standard in this regard; and be it further

RESOLVED: That we commemorate the anniversary of James Madison's birth during Sunshine Week and we commit to work diligently to enhance the public's access to government records and information, to increase information provided electronically and online and to ensure that all meetings of deliberative bodies in the State, and their committees, are fully noticed and open to the public.

READ.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, and I thank the Clerk for reading the Joint Resolution. As a member and co-chair, House Chair, of the Right to Know Advisory Committee, I would just like to encourage all lawmakers to be aware of what Sunshine Week stands for, and also to realize that the public right to know is an important part of our Constitution and the laws here in the State of Maine as well as in the United States.

Just yesterday I met with some physicians from my hometown and when I was walking them around and we were talking about the State House, they were just completely amazed at how easily accessible, once they got past security, the State House was. And, I reminded them that, you know, this is the People's House and you are welcome here any time, whether you want to sit in on committees, watch the House and Senate floor in action, or just be part of the process. And, I really encourage all of us lawmakers to remind our constituents and the residents of Maine to take this into consideration and appreciate how open and public our laws are.

And, if anyone has any questions about the activities of the Right to Know Advisory Committee, you can certainly contact me or other members, as well as Senate Chair Dave Burns. Thank you.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. I would also like to rise in support of this. Many of you may not know, before I came here, one of the jobs I had, I was a reporter for a local weekly. It was a tremendous experience. It really got me into the political process, and made me aware of the public's right to know of a lot of things. And I learned a lot through it, and I'm proud to say this is as much about journalism and making people aware of what our political process is.

I would add to that that I'm a big fan of former President Madison, one of our founding fathers, and would strongly encourage anyone who hasn't to read *The Federalist Papers* because the man has, despite the fact that it's two hundred years past, he said some things in there that are still true today. Thank you very much.

Subsequently, the Joint Resolution was **ADOPTED** and sent for concurrence.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 16)

ORDERED, that Representative Henry E. M. Beck of Waterville be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dana II of the Passamaquoddy Tribe be excused March 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradlee Thomas Farrin of Norridgewock be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused March 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheldon Mark Hanington of Lincoln be excused March 19 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Lloyd C. Herrick of Paris be excused March 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Chuck Kruger of Thomaston be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christine B. Powers of Naples be excused March 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David P. Sawicki of Auburn be excused March 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen J. Wood of Sabattus be excused March 18 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades (S.P. 54) (L.D. 121)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast

BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

On motion of Representative HERBIG of Belfast, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. The Resolve was assigned for **SECOND READING** Tuesday, March 31, 2015.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-7)** on Bill "An Act To Standardize Pints of Beer Sold in Maine"

(S.P. 55) (L.D. 122)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
GOLDEN of Lewiston
HANINGTON of Lincoln
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:

Representatives:

KINNEY of Limington
TURNER of Burlington

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-7)** Report.

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-7)**.
READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative KINNEY: Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. As a control state in regard to liquor and malt beverages, many of Maine's liquor laws date back to 1934.

Excessive and unnecessary statutes within Maine liquor law has continued to hinder the operations of our small business operators. It is the opinion of many of our businesses that we have many archaic laws in this body of statute that need revision or removal. And if this bill was to pass, we will be responsible for adding another.

As written, this bill states, "An on premise retail licensee may not sell or offer for sale malt liquor in a container represented in any written form to patrons of the licensee as a pint, unless that container can hold at least 16 fluid ounces."

The Maine Restaurant Association views this bill as a solution in search of a problem. Through the public hearing, Maine restaurants firmly believe that a customer should get what they order and pay for, and that a pint in the United States is truly 16 ounces. They also believe that current federal and Maine state laws address this issue with truth in advertising statutes that all businesses have to adhere to, and they oppose to creating unnecessary laws or specific products that may have unintended consequences.

I understand what this bill is intended to do, which is if you order a pint of beer that you receive a pint. For that to happen, the container would have to hold most likely 18 ounces, to allow for foam to form on top of the beer. If we do pass this bill as written, the Bureau of Alcohol and Lottery operations, while visiting or inspecting, will have to take a one pint measuring cup of fluid, which will be water, most likely, and pour it into the pint mug, which it will most likely fit, but it will be full.

Of course, if you pour beer at approximately 14 ounces, the glass will be full due to the poured head on top of the beer. I do understand that there are possibly cheater glasses out that are available that restaurants could buy and could use in regards to 14 ounces versus 16 ounces, but again we have federal laws and we have Maine state laws that address truth in advertising. And, for this, this statute under Maine's liquor laws would truly be redundant. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative LUCHINI: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to support the Majority **Ought to Pass as Amended** report.

I think the majority 11 of the committee felt that, first and foremost, this bill was about a consumer protection issue. And so, the bill as amended is pretty simple. It simply states that if a bar or restaurant advertises that they're going to sell a pint of beer, that they have to serve that beer in a glass that can hold at least 16 fluid ounces. And while some other things were discussed in our work sessions, to be clear, this doesn't make any requirements that a bar would have to buy certain glassware. It doesn't say that they have to serve a pint. It simply says that if they advertise a pint, then they have to serve a pint in a glass that can at least hold a pint.

So, as written, as was said by my friend from Limington, this bill would give liquor enforcement officers the ability to enforce this as they do their standard compliance checks at bars, where they have a checklist of issues they check to make sure you're in compliance—things like inventory, storage, tap labeling, this would be another item that could be on the list.

And, in theory it is covered, it could be argued that it's covered in current law under either the criminal code as fraud or under Title 5 as Unfair Trade Practices. However, as a practical matter, it's not being enforced. Both of these methods would be particularly onerous. You need a DA to prosecute you for fraud, or an AG's rulemaking and opinion on unfair trade practice. All of which are fairly serious crimes for something as simple as under pouring a glass of beer. So, we felt allowing BABLO to do this would not only be a more reasonable citation, but also would ensure that the consumer gets what they paid for. And, so I hope you support the Majority Ought to Pass as Amended. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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

Representative **BATTLE**: Thank you, Mr. Speaker. Mr. Speaker, Brothers and Sisters of the House, I oppose to this pending motion, and remind all that a good pint among lads is truly a state of mind.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it's reasonable to be able to see both sides of this issue. One is the consumer protection side, and in weighing the balance of this bill, I have to look at this from the perspective of adding yet another regulation to our business sector.

Requiring our enforcement agencies, BABLO to go out and measure whether or not a particular pub, or a beer establishment, or a wine establishment, whatever it might be, has a glass, whether or not it is a pint or not. I can understand the conversation, I can understand the debate, but at the end of the day, in a state where I believe we are over regulated in many sectors, this yet becomes yet another way that we're imposing yet another regulation that to be adhered to by the business community, when I don't think this is a problem. This is really a solution in search of a problem.

And, so I'm fine with if I go into the local establishment and I order a pint of beer, and if it comes with a little bit of foam or not foam, I'm fine with that. I mean, I just think at the end of the day, we need to be, in this state, looking at how we can continue to grow our private sector, and what the message is that we send out of this body in terms of what we're wanting to regulate in this state, and I think this sends the wrong message to the business community, and to those entrepreneurs out there or those entrepreneurs-to-be, that yes, we are in fact going to legislate now, what a pint is. And at the end of the day, I'm going to be opposing this motion and I ask you to follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker. Briefly, as a member of this committee, I did think about this bill back and forth and at the end of the day, having been a bartender as I was going through college, all I could think of was the markup of a beer and/or wine, which about 15 years ago was about 175 percent.

Today, it's likely to be 250 to 300 percent. So, when you start adding up a two ounce difference between what a pint has maybe been poured, or what a beer has poured, and what a pint should be, that does add up. So, I ask you to consider that when you vote on this issue. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'll be very brief.

I disagree. This is not a problem in, you know, a bill in search of a problem or something. Those of us in committee heard a good deal of testimony from person after person who felt that they had been underserved with smaller portions than they were paying for. This is to protect consumers, it is not to authorize, you know, fraud.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, I do apologize for rising a second time.

I would just sort of ask, where do we stop the regulations? Do we stop, do we pass a bill next to say, a six ounce steak, we're going to start measuring and legislating whether or not a six ounce steak is in fact a six ounce steak, or whether or not if you order an alcoholic beverage, that there can only be so much ice in the alcoholic beverage, and there can only be so much lime and so much orange. I mean, where does it stop and where does it end? And I think that this is a point here, where we can end this, and end it right now by opposing the motion.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I just ask everybody to consider how many times they bought a half gallon of orange juice before they realized that that cardboard container only held 59 ounces.

The **SPEAKER**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker. A few weeks ago in State and Local, we heard a bill on naming the state dog. We shot that down near unanimously. It went under the hammer here. The other day we did the same thing on a bill to name the Friendship sloop.

I would put this bill in the same category as those, and I will say what I said in committee on the state dog bill. And that is that it is, with all due respect to the sponsor, a waste of time.

The **SPEAKER**: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I am a member of VLA and I was present when this bill was being heard, and there are two testimonies on the website which you can review, that did testify.

And, my concern, I asked the sponsor at the time, is what about 22 ounces of beer? That's what my husband drinks. How do I know he's getting 22 ounces? Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Mr. Speaker, thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, I measure things for a living, and if you want to measure something that's difficult to measure, measure a microscopic larvae sitting on a slide under a microscope that's moving around. Measuring a glass of beer is not hard. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 8

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Black, Campbell R, Crafts, Dunphy L, Edgcomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Blume, Buckland, Chace, Dion, Hanington, Higgins.

Yes, 83; No, 62; Absent, 6; Excused, 0.

83 having voted in the affirmative and 62 voted in the negative, with 6 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-7)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 31, 2015.

CONSENT CALENDAR

First Day

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

(S.P. 73) (L.D. 198) Bill "An Act To Amend the Laws Regarding Noncommercial Foreign Vessels" Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 26) (L.D. 78) Bill "An Act Regarding Limitations on Certain Storm Water Fees" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-4)**

(S.P. 39) (L.D. 102) Bill "An Act To Strengthen the Craft Beer Industry" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-8)**

(S.P. 83) (L.D. 214) Bill "An Act To Stay Certain Suspensions Imposed by the Secretary of State Pending Appeal" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)**

(S.P. 122) (L.D. 307) Bill "An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-6)**

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. 175) (L.D. 446) Bill "An Act To Change the Name of the Public Utilities Commission's Consumer Assistance Division"

(H.P. 65) (L.D. 71) Bill "An Act To Amend the Laws Governing Service of Process in Eviction Actions"

(H.P. 182) (L.D. 264) Bill "An Act To Restore the Right To Possess Certain Knives That Are Used by Many Citizens as Tools"

(H.P. 255) (L.D. 389) Bill "An Act Relating to the Sale of Hypodermic Apparatuses"

(H.P. 37) (L.D. 43) Bill "An Act To Make False Claims of Military Service a Crime" (C. "A" H-21)

(H.P. 188) (L.D. 270) Bill "An Act To Reduce the Annual High-stakes Beano Fee from \$50,000 to \$12,500" (EMERGENCY) (C. "A" H-23)

(H.P. 234) (L.D. 340) Bill "An Act To Repeal the Sunset of the Green Power Offer" (C. "A" H-22)

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

ENACTORS

Emergency Measure

An Act To Allow Sufficient Time for Implementation of the Performance Evaluation and Professional Growth System for Educators

(H.P. 36) (L.D. 38)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015

(H.P. 167) (L.D. 235)

(C. "A" H-16)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Remove the 180-day Active Duty Requirement for the Property Tax Exemption for Vietnam Veterans

(H.P. 128) (L.D. 170)

(C. "A" H-15)

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.

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.

Bill "An Act To Improve the Unclaimed and Abandoned Property Laws"

(H.P. 714) (L.D. 1031)

(Committee on **JUDICIARY** suggested)

TABLED - March 24, 2015 (Till Later Today) by Representative HOBBS of Saco.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 396)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 31, 2015 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

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

On motion of Representative PETERSON of Rumford, the House adjourned at 11:38 a.m., until 10:00 a.m., Tuesday, March 31, 2015, pursuant to the Joint Order (S.P. 396).