

# 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

LEGISLATIVE RECORD - HOUSE, April 1, 2015

LEGISLATIVE RECORD - HOUSE, April 1, 2015  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION  
27th Legislative Day  
Wednesday, April 1, 2015

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

Prayer by Reverend Julie Faith Parker, Pleasant Street United Methodist Church, Waterville.

National Anthem by MacKenzie Bragg, Bethel and Emma Albert, Lewiston.

Pledge of Allegiance.

Doctor of the day, Alan Hymanson, M.D., York.

The Journal of yesterday was read and approved.

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**SENATE PAPERS**

Bill "An Act Regarding the Requirements for Sprinkler Systems in Townhouses"

(S.P. 404) (L.D. 1135)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

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Resolve, To Establish the Study Commission on the Social Emotional Learning and Development of Maine's Young Children (EMERGENCY)

(S.P. 390) (L.D. 1118)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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**COMMUNICATIONS**

The Following Communication: (H.C. 104)

**STATE OF MAINE**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0002**

April 1, 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 following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

L.D. 229 An Act To Exempt Small Raw Milk Producers from Licensing Requirements

L.D. 533 An Act To Ensure Humane Conditions for Egg-laying Poultry

L.D. 653 An Act To Increase Consumption of Maine Foods in All State Institutions

Education and Cultural Affairs

L.D. 128 An Act To Allow a School Administrative Unit To Implement a Firearm Safety Education Program for Elementary School Students

L.D. 318 An Act To Appropriate Funds to Kennebec Valley Community College for its Programs in Allied Health (EMERGENCY)

L.D. 338 An Act To Reduce Remedial Course Requirements at Maine Community Colleges Energy, Utilities and Technology

L.D. 295 An Act To Promote Tidal Energy Projects

L.D. 797 An Act To Ensure Reliable Power Supply to Homes and Businesses

Insurance and Financial Services

L.D. 621 An Act To Improve Access to Insurance Coverage for Persons for Whom English Is a Second Language

Marine Resources

L.D. 490 An Act To Extend the Legal Hours for Harvesting Lobsters

L.D. 491 An Act To Lower from 70 to 65 the Age at Which a Person May Obtain a Lobster and Crab Fishing License for a Reduced Fee

L.D. 563 An Act Regarding the Purchase of Trap Tags in the Lobster Fishery

Veterans and Legal Affairs

L.D. 509 An Act To Facilitate the Timely Return of Requested Absentee Ballots

L.D. 510 An Act To Increase the Number of Container Options for Breweries

Sincerely,

S/Robert B. Hunt

Clerk of House

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bills and Resolve 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 Implement the Recommendations of the Maple Syrup Task Force"

(H.P. 811) (L.D. 1178)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: KINNEY of Knox, MAREAN of Hollis, McCABE of Skowhegan, PICKETT of Dixfield, SKOLFIELD of Weld, TIMBERLAKE of Turner, Senators: DILL of Penobscot, SAVIELLO of Franklin.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Provide Funds to the Town of Millinocket Due to the Loss in Valuation of the Katahdin Paper Company"

(H.P. 817) (L.D. 1184)

Sponsored by Representative STANLEY of Medway.

Cosponsored by Senator DILL of Penobscot.

**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Prohibit the Selling of Humans"

(H.P. 812) (L.D. 1179)

Sponsored by Representative MAKER of Calais.  
Cosponsored by Senator DIAMOND of Cumberland and Representatives: ESPLING of New Gloucester, KORNFELD of Bangor, LONG of Sherman, LUCHINI of Ellsworth, TUELL of East Machias, TURNER of Burlington, Senators: BURNS of Washington, HASKELL of Cumberland.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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**EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services"

(H.P. 805) (L.D. 1173)

Sponsored by Representative HUBBELL of Bar Harbor.  
Cosponsored by Senator LANGLEY of Hancock and Representative: MAKER of Calais, Senator: MILLETT of Cumberland.

Bill "An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse"

(H.P. 813) (L.D. 1180)

Sponsored by Representative MAKER of Calais.  
Cosponsored by Senator DIAMOND of Cumberland and Representatives: LUCHINI of Ellsworth, NADEAU of Winslow, TUELL of East Machias, TURNER of Burlington, WARD of Dedham, Senators: BAKER of Sagadahoc, BURNS of Washington, HASKELL of Cumberland.

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**ENERGY, UTILITIES AND TECHNOLOGY**

Bill "An Act To Establish the Municipal Gigabit Broadband Network Access Fund"

(H.P. 818) (L.D. 1185)

Sponsored by Representative HIGGINS of Dover-Foxcroft.  
Cosponsored by Senator WOODSOME of York and Representatives: BATTLE of South Portland, FREDETTE of Newport, GROHMAN of Biddeford, LUCHINI of Ellsworth, O'CONNOR of Berwick, TIPPING-SPITZ of Orono, Senators: DAVIS of Piscataquis, GRATWICK of Penobscot.

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**JUDICIARY**

Bill "An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances"

(H.P. 814) (L.D. 1181)

Sponsored by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator HASKELL of Cumberland and Representatives: GUERIN of Glenburn, O'CONNOR of Berwick, STANLEY of Medway, WARD of Dedham, Senator: SAVIELLO of Franklin.

Bill "An Act To Promote Professional Training and Security in Maine Courts" (EMERGENCY)

(H.P. 819) (L.D. 1186)

Sponsored by Representative FREY of Bangor.  
Cosponsored by Senator KATZ of Kennebec and Representatives: DION of Portland, GUERIN of Glenburn, HOBBS of Saco.

**LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**

Bill "An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code"

(H.P. 815) (L.D. 1182)

Sponsored by Representative FARRIN of Norridgewock.  
Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BLACK of Wilton, DUNPHY of Embden, STETKIS of Canaan, TIMBERLAKE of Turner, WARD of Dedham, Senator: DAVIS of Piscataquis.

Bill "An Act To Specify the Record-keeping Requirements for Social Workers"

(H.P. 820) (L.D. 1187)

Sponsored by Representative GOODE of Bangor.  
Cosponsored by Senator KATZ of Kennebec and Representatives: FECTEAU of Biddeford, LOCKMAN of Amherst, MASTRACCIO of Sanford, McCREIGHT of Harpswell, O'CONNOR of Berwick, SEAVEY of Kennebunkport, WARD of Dedham, Senator: PATRICK of Oxford.

Bill "An Act To Implement a Rental Assistance Program for Low-income Households and Individuals"

(H.P. 821) (L.D. 1188)

Sponsored by Representative FREY of Bangor.  
Cosponsored by Senator PATRICK of Oxford and Representatives: HERBIG of Belfast, MASTRACCIO of Sanford, ROTUNDO of Lewiston, Senator: VALENTINO of York.

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**TRANSPORTATION**

Resolve, To Study the Feasibility and Cost of Providing Passenger Rail Service to the City of Bangor

(H.P. 806) (L.D. 1174)

Sponsored by Representative DUNPHY of Old Town.  
Cosponsored by Senator ROSEN of Hancock and Representatives: FREY of Bangor, GOLDEN of Lewiston, GOODE of Bangor, HUBBELL of Bar Harbor, KORNFELD of Bangor, LUCHINI of Ellsworth, SCHNECK of Bangor, VEROW of Brewer.

Bill "An Act To Amend Maine's Motor Vehicle Statutes"

(H.P. 807) (L.D. 1175)

Sponsored by Representative PARRY of Arundel.  
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Prohibit the Sale and Possession of Powdered Alcohol in the State"

(H.P. 808) (L.D. 1176)

Sponsored by Representative DEVIN of Newcastle.  
Cosponsored by Senator CYRWAY of Kennebec and Representatives: BEEBE-CENTER of Rockland, DAVITT of Hampden, ESPLING of New Gloucester, EVANGELOS of Friendship, McCABE of Skowhegan, POWERS of Naples, Senators: BREEN of Cumberland, JOHNSON of Lincoln.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Strengthen the Craft Distillery Industry in Maine"

(H.P. 816) (L.D. 1183)

Sponsored by Representative WADSWORTH of Hiram.  
Cosponsored by Senator DUTREMBLE of York and Representatives: COREY of Windham, HANINGTON of Lincoln, HOBBS of Saco, KINNEY of Limington, O'CONNOR of Berwick, PIERCE of Dresden, PRESCOTT of Waterboro.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Make Certain Local Primaries Nonpartisan"

(H.P. 822) (L.D. 1189)

Sponsored by Representative KUMIEGA of Deer Isle.  
Committee on **VETERANS AND LEGAL AFFAIRS** suggested.

On motion of Representative LUCHINI of Ellsworth, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

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

#### ORDERS

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 810) (Cosponsored by Senator VOLK of Cumberland and Representatives: BABBIDGE of Kennebunk, BATES of Westbrook, BEAVERS of South Berwick, BECK of Waterville, BROOKS of Lewiston, BRYANT of Windham, CHAPMAN of Brooksville, CHIPMAN of Portland, COOPER of Yarmouth, DAUGHTRY of Brunswick, DEVIN of Newcastle, DILLINGHAM of Oxford, EVANGELOS of Friendship, FOLEY of Wells, FOWLE of Vassalboro, GATTINE of Westbrook, GERRISH of Lebanon, GILBERT of Jay, GINZLER of Bridgton, GRANT of Gardiner, GROHMAN of Biddeford, GUERIN of Glenburn, HAWKE of Boothbay Harbor, JORGENSEN of Portland, KRUGER of Thomaston, MARTIN of Eagle Lake, MASTRACCIO of Sanford, McCREIGHT of Harpswell, MELARAGNO of Auburn, MONAGHAN of Cape Elizabeth, NOON of Sanford, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Falmouth, ROTUNDO of Lewiston, RUSSELL of Portland, SAUCIER of Presque Isle, SCHNECK of Bangor, SHORT of Pittsfield, SKOLFIELD of Weld, STEARNS of Guilford, STUCKEY of Portland, TEPLER of Topsham, TIPPING-SPITZ of Orono, TUELL of East Machias, VACHON of Scarborough, VEROW of Brewer, WADSWORTH of Hiram, WHITE of Washburn, Senators: BREEN of Cumberland, BURNS of Washington, DIAMOND of Cumberland, GRATWICK of Penobscot, MILLETT of Cumberland, MIRAMANT of Knox)

#### JOINT RESOLUTION RECOGNIZING APRIL 2015 AS AUTISM AWARENESS MONTH

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, one in 68 children is diagnosed with this spectrum disorder and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle nor education affects its occurrence and it is estimated that 1,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States \$137,000,000,000 in annual health care costs, 90% of which are in adult services, and these costs are estimated to increase in the next 10 years to between \$200,000,000,000 and \$400,000,000,000; and

WHEREAS, while a single specific cause of autism is not known, current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; 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, pause in our deliberations to acknowledge that the month of April 2015 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

#### READ.

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

Representative FARNSWORTH: Thank you, Mr. Speaker. Before you, you have a sheet of paper that looks like a puzzle on it and a little ribbon. And, one of the symbols that we have been using for autism is the puzzle, primarily because it is still such a puzzle as to what the causes are for autism.

And, researchers are making some progress on that, but nonetheless, we're still dealing with what's going on because the incidences increased so radically over the past few years. But, nonetheless, I think the important thing is that we become aware that autism is a part of our existence, number one. Number two, that it is not hopeless; that with early intervention and appropriate treatment programs and there are a variety of treatment programs that are very effective. Many people with autism on the spectrum can certainly become very, very successful and productive citizens in our country.

So, we're moving away, now, from autism awareness to the concept of autism acceptance, and accepting these people into our society, helping to make them become productive, and becoming citizens like you and I. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative HYMANSON: Thank you, Mr. Speaker. As a neurologist, I have had many opportunities to work with people who have autism. Commonly, we think of it as a loss of function, but many times, there is a gain—a gain in concentration, thinking speed, creativity, and other real gifts. When you meet someone with autism, find a quiet way to engage them. It will change you. Thank you.

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

On motion of Representative SHORT of Pittsfield, the following Joint Resolution: (H.P. 804) (Cosponsored by Senator MASON of Androscoggin and Representatives: ALLEY of Beals, CAMPBELL of Orrington, CRAFTS of Lisbon, HANINGTON of Lincoln, HARLOW of Portland, HILLIARD of Belgrade, RUSSELL of Portland, STANLEY of Medway)

**JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONVENTION OF THE STATES TO PROPOSE AMENDMENTS TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS, LIMIT FEDERAL POWER AND IMPOSE TERM LIMITS**

WHEREAS, the United States Constitution empowered state legislators to be guardians of liberty against future abuses of power by the Federal Government; and

WHEREAS, the Federal Government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the Federal Government has invaded the legitimate roles of the states through the manipulative process of federal mandates, most of which are unfunded to a great extent; and

WHEREAS, the Federal Government has ceased to live under a proper interpretation of the United States Constitution; and

WHEREAS, it is the solemn duty of the states to protect the liberty of the American people, particularly for the generations to come, by proposing amendments to the United States Constitution for the purpose of restraining these and related abuses of power; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing amendments to the United States Constitution that impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government and limit the terms of office for federal government officials and members of Congress; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V but, if Congress proposes an amendment to the United States Constitution identical in subject matter to any of the 3 subject matters contained in this Joint Resolution, this application for a constitutional convention is no longer of any force or effect for that subject matter; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such specific and exclusive purposes; and be it further

RESOLVED: That this body proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of appropriate amendments to the United States Constitution or requiring the Congress to call a constitutional convention for proposing such amendments to the United States Constitution; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislatures of each of the several states in the nation, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

**READ.**

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

**REPORTS OF COMMITTEE**  
**Refer to the Committee on Judiciary**  
**Pursuant to Resolve**

Representative HOBBS for the **Joint Standing Committee on Judiciary** on Bill "An Act To Enact the Recommendations of the Probate and Trust Law Advisory Commission Regarding the Maine Uniform Fiduciary Access to Digital Assets Act"

(H.P. 809) (L.D. 1177)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to Resolve 2013, chapter 27, section 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Allow a Person To Request a Pardon from the Governor for the Purpose of Restoring Gun Rights"

(H.P. 162) (L.D. 230)

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro  
CHENETTE of Saco  
DAVITT of Hampden  
GERRISH of Lebanon  
LAJOIE of Lewiston  
NADEAU of Winslow  
THERIAULT of China  
TIMMONS of Cumberland  
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representative:

LONG of Sherman

**READ.**

On motion of Representative FOWLE of Vassalboro, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

**CONSENT CALENDAR**  
**Second Day**

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

(S.P. 13) (L.D. 12) Bill "An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land"

(S.P. 209) (L.D. 593) Bill "An Act To Allow the Resale of Electricity by Electric Vehicle Charging Stations"

(S.P. 85) (L.D. 216) Bill "An Act To Amend the Charter of the Hampden Water District" (EMERGENCY) (C. "A" S-9)

(H.P. 239) (L.D. 352) Resolve, Regarding Legislative Review of Portions of Chapter 119: Motor Vehicle Fuel Volatility Limit, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

(H.P. 63) (L.D. 69) Bill "An Act To Require Drug Testing of the Driver of a Motor Vehicle Involved in a Fatal Accident" (C. "A" H-25)

(H.P. 93) (L.D. 135) Bill "An Act To Prohibit Tobacco Use Surcharges in Small Group and Individual Health Insurance Products" (C. "A" H-26)

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

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**ENACTORS**  
**Acts**

An Act To Establish Native American Heritage and Culture Day

(H.P. 13) (L.D. 10)

An Act Regarding Limitations on Certain Storm Water Fees

(S.P. 26) (L.D. 78)

(C. "A" S-4)

An Act To Strengthen the Craft Beer Industry

(S.P. 39) (L.D. 102)

(C. "A" S-8)

An Act To Standardize Pints of Beer Sold in Maine

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

(C. "A" S-7)

An Act To Amend the Laws Regarding Noncommercial Foreign Vessels

(S.P. 73) (L.D. 198)

An Act To Stay Certain Suspensions Imposed by the Secretary of State Pending Appeal

(S.P. 83) (L.D. 214)

(C. "A" S-5)

An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream

(H.P. 177) (L.D. 245)

An Act To Amend the Shoreland Zoning Laws To Exempt Certain Walkways and Trails from Setback Requirements

(S.P. 122) (L.D. 307)

(C. "A" S-6)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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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 Ensure Proper Funding for Teacher Retirement"

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

- In House, 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)** on March 19, 2015.

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

**TABLED** - March 26, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

**PENDING - FURTHER CONSIDERATION.**

The **SPEAKER**: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, you have a sheet on your desk, it was passed out this morning, it highlights some of the fiscal impact that this bill would have on local districts. Or, actually, it lists the pension costs.

The impact would vary depending on what your district's reimbursement rate is through the school funding formula. For example, the pension costs in Scarborough for this coming year are over \$700,000; RSU 19: almost \$400,000; RSU 4: almost \$300. RSU 6 is almost \$700,000; RSU 15 is \$380,000; RSU 87 is \$90,000; RSU 54 is over \$500,000; and RSU 52 is over \$400,000.

I submitted this bill because I didn't agree with the actions of the previous legislature, even though I did vote for that budget, of transferring these costs to local communities. We've had much debate over the past few years and we'll have more debate this year about shifting school costs to the local communities, and I think this is just another stone on the pile onto the backs of property taxpayers.

Passing this bill wouldn't guarantee funding, of course it would have to go through the budget process, but I think it would send a strong message to the Appropriations Committee that we need to stop piling more expenses onto the local property taxpayers. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker. Men and Women of the House, it's an amazing thing when we, as legislators, can say that we represent our constituents. When, in fact, a lot of times, we don't.

In cases of some communities in Aroostook County, I'll take Washburn for example, a loss of \$69,084 to the property taxpayers. In Caribou, \$309,212, and in my home town of Presque Isle, \$291,550.

It is clear to me that some members of this body don't actually represent their constituents on all issues. This is something that we are going to saddle our taxpayers, our property taxpayers, in our small communities, a huge sum of money that has to be paid for. It is an amazing thing that we can say we represent our constituents all the time. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Chair, Mr. Speaker, my apologies. Ladies and Gentlemen of the House, I stood firmly in my belief that LD 60 should pass, and not so much for the financial aspect of it, while I fully understand that in the next fiscal year, that's going to be a \$38 million transfer of liability to the local school systems, and to the local property taxpayers.

I stand more on the principle that when this state teacher retirement system was developed back in the early 1940s, the state made a decision then that the employer would be the State of Maine, in regard for retirement purposes. I think it's easy for folks to fall into the understanding that the local school unit is the employer, because in effect they are in every way, except for the state retirement purposes. I've heard it argued that the locals have control over this, and I think that argument relates to collective bargaining. And, so if the locals have poor skills at collective bargaining, if you will, it drives the cost of retirement up.

I would, again, go back that the locals don't have control about collective bargaining. That, in and of itself, is another state mandate. So, when you look at that as a lack of local control, and you look at the states shifting their obligation to the locals regarding their retirement fund, it presents a real problem of integrity in my mind. The locals have no ability to change the rates, they have no ability to change any component of the state retirement system, only this body, the Legislature, can do that. So, it's with that belief, I understand finances are tight, I don't believe that should go out under general purpose aid because it's not being used for general purposes in schools, it's a bill that is incurred at this level and being passed to folks at the local level. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Doore.

Representative DOORE: Thank you, Mr. Speaker. I rise today to ask this body to support LD 60. After spending nine years on my local school board, I just know what \$426,000 will do for the City of Augusta. So, regardless of how large your community is, this will be a great amount of money that your town or city can use, so I would urge you to vote in support.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative GRANT: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I agree with my good colleagues on both sides of the aisle who've spoken on this issue.

I only want to raise the dollar figure and impact on one of my districts, which includes Gardiner, West Gardiner, Pittston and Randolph. That figure for teacher retirement that the state is trying, once again, to pass on to our local school communities is \$369,042. The taxpayers of those communities cannot make up this difference, and so in effect it means additional cuts to the educational resources going to our students.

The state needs to meet its obligations, not pass those obligations on to the property taxpayers. Thank you, Mr. Speaker.

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

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Bill "An Act To Amend the Definition of 'Property Fiscal Capacity' in the School Funding Law To Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value"

(H.P. 790) (L.D. 1152)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - March 31, 2015 (Till Later Today) by Representative KORNFIELD of Bangor.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-24)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Gaming" (EMERGENCY)

(H.P. 355) (L.D. 516)

TABLED - March 31, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, Representative McCABE of Skowhegan **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous Committee Report.

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 **Acceptance** of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 10**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Pickett, Pierce J, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Bickford, Hawke, Malaby, Picchiotti, Prescott, Sanderson, Vachon, Winsor.

ABSENT - Hamann, Hogan.

Yes, 141; No, 8; Absent, 2; Excused, 0.

141 having voted in the affirmative and 8 voted in the negative, with 2 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

Subsequently, the Bill was **READ ONCE**. **Committee Amendment "A" (H-24)** was **READ** by the Clerk and **ADOPTED**.

Subsequently, under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Subsequently, under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-24)** and sent for concurrence.

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

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On motion of Representative BEAVERS of South Berwick, the House adjourned at 10:57 a.m., until 10:00 a.m., Thursday, April 2, 2015.