

# 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 LEGISLATURE  
FIRST REGULAR SESSION  
31st Legislative Day  
Tuesday, April 14, 2015

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

Prayer by Pastor Lester S. Dow, Jr., Richmond Corner Baptist Church.

National Anthem by Candace Marchand, North Berwick.  
Pledge of Allegiance.

Doctor of the day, Jessica Clem, M.D., Portland.

The Journal of April 9, 2015 was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 474)

**JOINT RESOLUTION MEMORIALIZING THE UNITED STATES  
CONGRESS TO TAKE ACTION TO HELP VETERANS  
OF THE WARS IN AFGHANISTAN AND IRAQ**

WE, your Memorialists, the Members of the One Hundred and Twenty-seventh Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the United States Congress as follows:

WHEREAS, military personnel from the State of Maine have answered the call to serve our Nation many times and Maine is estimated to be 3rd in the Nation per capita for military service. According to Veterans Administration records, Maine has had 11,531 military members serve since the tragic events of 9/11; and

WHEREAS, members of the Maine National Guard and Reservists have been deployed many times over and many have returned from the wars in Iraq and Afghanistan needing assistance and medical care; and

WHEREAS, 55 of Maine's services members have been killed in action in Iraq and Afghanistan; and

WHEREAS, more than 320 have received the Purple Heart for wounds received in combat; and

WHEREAS, many have returned home with post-traumatic stress disorder, traumatic brain injury, hearing problems and other physical and mental disabilities; and

WHEREAS, many communities in Maine need someone who can meet with veterans and survivors to explain benefits and to get the word out to veterans and their families concerning frequently changing Veterans Administration benefits and eligibility; and

WHEREAS, major issues for returning veterans concerning increasing suicide rates, homelessness, unemployment and education were brought before the 113th Congress with little or no substantive results; and

WHEREAS, as the 114th Congress begins, veterans and their families in Maine and across the Nation hope that the new Congress will be responsive and helpful and aggressively address the many issues facing the veterans of the wars in Iraq and Afghanistan; and

WHEREAS, the men and women who serve our State and Nation so faithfully deserve to have access to care, housing, medical treatment and mental and physical therapy; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to urge the United States Congress to take the lead in passing necessary legislation that will help all our veterans, from all our wars and conflicts, from World War II to present-day Iraq and Afghanistan to the extent necessary; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

**READ** and **ADOPTED** in concurrence.

The following Joint Order: (S.P. 473)

ORDERED, the House concurring, that the following statement of legislative ethics be incorporated in the 2015 edition of the "Senate and House Registers":

"Legislative service is one of democracy's worthiest pursuits. A Maine Legislator is charged with civility and responsible conduct inside and outside of the State House commensurate with the trust placed in that Legislator by the electorate.

In a free government, a Legislator is entrusted with the security, safety, health, prosperity, respect and general well-being of those the Legislator serves and with whom the Legislator serves.

To work well, government requires a bond of trust and respect between citizens and their Legislators. With such a trust, high moral and ethical standards producing the public's confidence, with the reduction to a minimum of any conflict between private interests and official duties, should be observed.

No Maine Legislators will accept any employment that can possibly impair their independence and integrity of judgment nor will they exercise their position of trust to secure unwarranted privileges for themselves or for others. The Maine Legislator will be ever mindful of the ordinary citizen who might otherwise be unrepresented and will endeavor conscientiously to pursue the highest standards of legislative conduct inside and outside of the State House."

Came from the Senate, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-29)**.

**READ. Senate Amendment "A" (S-29)** was **READ** by the Clerk and **ADOPTED. Passed as Amended by Senate Amendment "A" (S-29)** in concurrence.

The following Joint Order: (S.P. 472)

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 106 to read:

**Rule 106. Records of Certain Legislator Expenses.**

Upon request, the presiding officer of each chamber shall provide the monthly total or annual total cost of ~~telephone expenses and~~ postage expenses for all members in the chamber. The presiding officers shall also provide monthly total and annual total ~~telephone and~~ postage expenses of individual members upon request.

; and be it further

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 206, subsection 3 to read:

**3. Indian Representatives.** The member of the Penobscot Nation, the member of the Passamaquoddy Tribe and, ~~at the beginning of the Second Regular Session of the 125th Legislature,~~ the member of the Houlton Band of Maliseet Indians elected or appointed to represent their people at each biennial Legislature may sponsor legislation specifically relating to Indians and Indian land claims, may offer floor amendments to this legislation, may cosponsor any other legislation and may sponsor and cosponsor expressions of legislative sentiment in the same manner as other members of the House.

; and be it further ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 310, subsection 5 to read:

**5. Committee Voting.** The committee clerk shall prepare the committee jacket or jackets following the vote and obtain signatures from committee members as required. If all members are not present for the vote, the bill must be held until the following periods have expired.

A. If any member is absent from the State House and the State Office Building committee at the time of the vote, that member's vote may be registered with the clerk up until noon on the 2nd business day following the vote.

B. If any member is absent from the committee at the time of the vote but present in the State House or the State Office Building, that member's vote may be registered with the clerk up until 5:00 p.m. on the day of the vote.

B. If the presiding officers jointly determine that operational needs of the Legislature so require, they may require that a member who is absent from the committee at the time of the vote register that member's vote by noon on the next business day following the committee vote.

A member may be excused from voting only for a conflict of interest under Joint Rule 104.

Except for a motion to adjourn, a question may not be decided and official action may not be taken in the absence of a quorum.

No committee vote on a bill may be taken after 10:30 p.m. or before 7:30 a.m. unless authorized by the presiding officers. If the presiding officers provide this authorization, they shall notify the other members of the Legislative Council concurrently.

; and be it further ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 314, subsections 2 and 3 to read:

**2. Subcommittee; Appointment.** Each policy committee shall may appoint, in accordance with this subsection, a subcommittee of at least 3 and not more than 5 of its members to serve as liaisons to the Joint Standing Committee on Appropriations and Financial Affairs. At least one member of the subcommittee must be appointed by the Senate chair of the policy committee and at least 2 members must be appointed by the House chair of the policy committee. If more than 3 members are appointed to the subcommittee, the additional member or members must be appointed jointly by the chairs of the policy committee. This subcommittee must include members of the 2 parties holding the largest number of seats in the Legislature. The committee chairs shall name one of the members as subcommittee chair. The Joint Standing Committee on Appropriations and Financial Affairs shall notify the policy committee chairs and the chair of the subcommittee in a timely manner prior to any subsequent deliberations on budget items relative to that policy committee's jurisdiction. Each policy committee through its subcommittee shall advise the Joint Standing Committee on Appropriations and Financial Affairs of its respective policy committee's recommendations regarding budget items relative to that committee's jurisdiction and through its subcommittee may participate in all subsequent deliberations of the Joint Standing Committee on Appropriations and Financial Affairs on these budget items.

**3. Membership Published.** The In the event a subcommittee is appointed pursuant to subsection 2, the membership of each subcommittee must be published in the Advance Journal and Calendar.

; and be it further ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 316 to read:

**Rule 316. Penobscot Nation, Passamaquoddy Tribe and Houlton Band of Maliseet Indians.**

The member of the Penobscot Nation, the member of the Passamaquoddy Tribe and, ~~at the beginning of the Second Regular Session of the 125th Legislature,~~ the member of the Houlton Band of Maliseet Indians elected or appointed to represent their people at the biennial session of the Legislature must be granted seats on the floor of the House of Representatives; be granted, by consent of the Speaker, the privilege of speaking on pending legislation; must be appointed to sit with joint standing committees as nonvoting members during the committees' deliberations; and be granted such other rights and privileges as may from time to time be voted by the House of Representatives. In reports from committees on which a tribal member serves, the position of the member must be noted and included.

; and be it further ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 353, first paragraph to read:

**Rule 353. Legislative Studies.**

To assist in the exercise of its duties, the Legislature may establish legislative study committees or may alternatively refer matters to joint standing committees or subcommittees of joint standing committees for study. This Joint Rule establishes standards that govern the drafting of legislative study instruments and the authorization of legislative studies. All legislative studies must be consistent with this Joint Rule and with Legislative Council policies adopted under this Joint Rule. ~~A joint standing or joint select committee may not, except upon the prior approval of the Legislative Council, report to the Legislature any bill, resolve or joint order proposing a legislative study that is inconsistent with this Joint Rule. Any bill, resolve or joint order proposing a legislative study that is inconsistent with this rule must be reviewed and approved by the Legislative Council.~~

; and be it further ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 354 by adding after the 3rd paragraph a new paragraph to read:

At least once each biennium, the committee shall review the Legislative Code of Ethics that was adopted by the 100th Legislature and may recommend any changes the committee determines necessary.

; and be it further ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 504 to read:

**Rule 504. Committee Public Hearing.**

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House. At least 7 days before the hearing, in accordance with Title 3, section 157, the Legislative Information Office shall provide notice of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office. The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding the Maine Revised Statutes, Title 3, section 157,

for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing must be recorded and testimony and other materials received by the committee must be preserved according to the Maine Revised Statutes, Title 3, section 159. In the event that partisan assistants for nominations are appointed, they shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

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

Pursuant to Joint Rule 102, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**. 139 having voted in the affirmative and 0 in the negative, 139 being more than two-thirds of the membership present, the Joint Order was **PASSED** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Make Certain Local Primaries Nonpartisan"  
(H.P. 822) (L.D. 1189)

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on April 1, 2015.

Came from the Senate **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Reduce Youth Cancer Risk"  
(S.P. 57) (L.D. 123)

Majority (8) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 2, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit 25 Acres or Less To Be Withdrawn from Taxation as Timberland and Woodland without Penalty

(S.P. 416) (L.D. 1169)

**REFERRED** to the Committee on **TAXATION** in the House on April 2, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the RESOLUTION was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Implement and Fund an Integrated Beach Management Program"

(H.P. 854) (L.D. 1254)

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in the House on April 7, 2015.

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

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 116)

**SENATE OF MAINE**  
**127TH LEGISLATURE**  
**OFFICE OF THE PRESIDENT**

April 9, 2015

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

In reference to the action of the Senate on April 1, 2015 in which it Insisted and Asked for a Committee of Conference on L.D. 838, "An Act To Enhance Equity and Efficiency for Off-track Betting Facilities" (H.P. 572) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Scott W. Cyrway of Kennebec  
Senator Garrett P. Mason of Androscoggin  
Senator John L. Patrick of Oxford

Please contact my office if you have any questions regarding these appointments.

Sincerely,  
S/Michael D. Thibodeau  
President of the Senate

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: (H.C. 117)

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

April 14, 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:"

Education and Cultural Affairs

L.D. 17 An Act To Restore Programs and Faculty to the University of Maine System (EMERGENCY)  
L.D. 18 Resolve, To Review and Audit the University of Maine System's Finances and Governance Practices  
L.D. 42 An Act To Increase Funding for Instruction within the University of Maine System  
L.D. 99 An Act To Stabilize the Faculty and Programs at the University of Southern Maine (EMERGENCY)  
L.D. 240 An Act To Amend the School Funding Formula

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- |                                  |  |                            |   |
|----------------------------------|--|----------------------------|---|
| L.D. 393                         | An Act To Create a Unified Board of Higher Education   | L.D. 863                   | An Act To Update Professional Liability Insurance Reporting to the Bureau of Insurance  |
| L.D. 538                         | An Act To Reduce Fees at Maine's Postsecondary Institutions  |                            | Labor, Commerce, Research and Economic Development  |
| L.D. 683                         | Resolve, Regarding Legislative Review of the Final Repeal of Chapter 60: New School Siting Approval, a Late-filed Major Substantive Rule That Has Been Provisionally Repealed by the Department of Education, State Board of Education (EMERGENCY) | L.D. 163                   | An Act To Provide Economic Development Assistance to Rural Communities  |
| L.D. 685                         | Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Late-filed Major Substantive Rule of the Department of Education, State Board of Education (EMERGENCY)                    | L.D. 248                   | An Act To Provide Flexibility to the Application of the State Prevailing Wage and Benefit Rates   |
| L.D. 793                         | Resolve, To Examine Unfunded Mandates in the Education Laws and To Recommend Unfunded Mandates To Be Eliminated (EMERGENCY)  | L.D. 698                   | An Act To Establish a Presumption of Impairment in the Line of Duty for Corrections Officers under the Workers' Compensation Laws                     |
| L.D. 794                         | An Act To Ensure That Funding to the University of Maine System Is Used Efficiently  | L.D. 758                   | An Act To Clarify the Definition of "Personal Sports Mobile" for Purposes of the Laws Governing Personal Sports Mobile Dealerships                    |
| L.D. 876                         | An Act To Encourage Equity in School Funding by Limiting a Municipality's Contribution Based on Its Student Enrollment   | L.D. 768                   | An Act To Create a Public Option Pension System   |
| L.D. 877                         | Resolve, To Study the Fort Norumbega Site in Bucksport   | L.D. 803                   | Resolve, To Establish the Task Force To Develop Strategies To Protect Towns   |
| L.D. 939                         | An Act To Increase Transparency in the University of Maine System Regarding Procurement and Administrative Costs   | L.D. 974                   | An Act To Provide Compensation to a Corrections Officer Injured by a Patient or Prisoner  |
| Health and Human Services        |  | Transportation             |   |
| L.D. 219                         | An Act To Protect a Child from Misuse of Identity  | L.D. 506                   | An Act To Improve Public-private Transportation Partnerships  |
| L.D. 292                         | An Act To Require Hospitals To Allow Patients To Provide Their Own Medications   | L.D. 645                   | An Act To Create a Transportation Planning Incentive for Communities Located on Peninsulas  |
| L.D. 327                         | An Act To Require Prescribers of Controlled Substances To Use the Controlled Substances Prescription Monitoring Program Software   | L.D. 676                   | Resolve, Directing the Department of Transportation To Study the Use of Calcium Chloride on Roads and Its Effect on Vehicles                          |
| L.D. 469                         | An Act To Promote the Disposal of Unused Medications   | Veterans and Legal Affairs |   |
| L.D. 472                         | An Act To Establish Meals on Wheels as a Service Covered under the MaineCare Program   | L.D. 175                   | An Act To Limit Maine Clean Election Act Funding to First-time Candidates   |
| L.D. 478                         | An Act To Require That Death Certificates Be Signed Using an Electronic Signature System   | L.D. 204                   | An Act To Prohibit Certain Activities by Maine Clean Election Act Candidates  |
| L.D. 664                         | Resolve, To Direct the Department of Health and Human Services To Submit a State Plan Amendment To Allow Community-based and Other Health Care Providers To Be Reimbursed by MaineCare   | L.D. 334                   | An Act To Improve the Maine Clean Election Act  |
| L.D. 667                         | Resolve, Directing the Department of Health and Human Services To Educate the Public and Department Clients about How To Protect One's Family from Bisphenol A   | L.D. 532                   | An Act To Prohibit Maine Clean Election Act Candidates from Accepting Special Interest Money through a Political Party or Political Action Committee  |
| L.D. 714                         | Resolve, Directing the Department of Health and Human Services To Study Providing Medical Assistance to Maine's Inhabited Islands  | L.D. 619                   | An Act To Limit the Participation of Candidates and Legislators in Political Action Committees and Nonprofit Entities Conducting Political Activities |
| L.D. 751                         | An Act To Provide Consideration of the Need for Nursing Facility Beds in the Area Where They Are Located before Those Beds Are Lost  | L.D. 618                   | An Act To Facilitate the Production of Hard Cider in Maine  |
| Insurance and Financial Services |  | L.D. 719                   | An Act To Provide Fair Access To Maine Clean Election Act Funds   |
| L.D. 449                         | An Act Regarding the Payment of Commissions by Car Rental Companies  | L.D. 790                   | An Act To Make Political Advertising Accountable and Transparent  |
|                                  |  | L.D. 804                   | An Act To Establish the Maine Veterans Coordinating Committee   |
|                                  |  | L.D. 850                   | An Act To Establish Special Elections To Fill United States Senate Vacancies  |

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

The Following Communication: (H.C. 118)

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

April 14, 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 Veterans and Legal Affairs has approved the request by the sponsor, Senator Patrick of Oxford, to report the following "Leave to Withdraw":

L.D. 104            An Act To Increase Gaming Opportunities for Charitable Veterans' Organizations

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: (S.C. 197)

**MAINE SENATE  
127TH LEGISLATURE  
OFFICE OF THE SECRETARY**

April 9, 2015

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Senate Paper 55, Legislative Document 122, "An Act To Standardize Pints of Beer Sold in Maine," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

14 voted in favor and 20 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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:

**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges"

(H.P. 908) (L.D. 1336)

Sponsored by Representative FREDETTE of Newport.

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

**ENERGY, UTILITIES AND TECHNOLOGY**

Bill "An Act To Amend Maine's Restructuring Laws"

(H.P. 893) (L.D. 1315)

Sponsored by Representative DUNPHY of Embden.  
(GOVERNOR'S BILL)

Cosponsored by Senator MASON of Androscoggin and Representatives: BLACK of Wilton, HIGGINS of Dover-Foxcroft, O'CONNOR of Berwick, SIROCKI of Scarborough.

Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (EMERGENCY)

(H.P. 904) (L.D. 1329)

Sponsored by Representative O'CONNOR of Berwick.

Cosponsored by Senator WOODSOME of York and Representatives: DUNPHY of Embden, FOLEY of Wells, GROHMAN of Biddeford, HIGGINS of Dover-Foxcroft, TIMBERLAKE of Turner, WADSWORTH of Hiram, Senator: McCORMICK of Kennebec.

**HEALTH AND HUMAN SERVICES**

Bill "An Act Regarding the Employment of Certified Nursing Assistants and Direct Care Workers"

(H.P. 894) (L.D. 1316)

Sponsored by Representative FOWLE of Vassalboro.

Cosponsored by Senator GERZOFKY of Cumberland and Representatives: BRYANT of Windham, DOORE of Augusta, LAJOIE of Lewiston, McELWEE of Caribou, STUCKEY of Portland, VACHON of Scarborough, WARREN of Hallowell.

Bill "An Act To Create Transparency with Regard to Large Employers in the State with Workforce Members Who Receive Public Benefits"

(H.P. 902) (L.D. 1324)

Sponsored by Representative McCABE of Skowhegan.

Cosponsored by Representatives: GOODE of Bangor, HARLOW of Portland, MELARAGNO of Auburn, RUSSELL of Portland, STUCKEY of Portland, Senator: GERZOFKY of Cumberland.

Bill "An Act To Fully Fund the Family Caregiver Respite Program"

(H.P. 909) (L.D. 1337)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: GATTINE of Westbrook, HARLOW of Portland, SIROCKI of Scarborough, TURNER of Burlington, VACHON of Scarborough, Senator: HASKELL of Cumberland.

**INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife"

(H.P. 899) (L.D. 1321)

Sponsored by Representative ESPLING of New Gloucester.

Cosponsored by Representative: McCABE of Skowhegan.

**JUDICIARY**

Bill "An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State"

(H.P. 895) (L.D. 1317)

Sponsored by Representative FOWLE of Vassalboro.  
Cosponsored by Senator PATRICK of Oxford and Representatives: DOORE of Augusta, FREDETTE of Newport, GOLDEN of Lewiston, HANINGTON of Lincoln, LONGSTAFF of Waterville, SAUCIER of Presque Isle.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code"

(H.P. 900) (L.D. 1322)

Sponsored by Representative HOBBS of Saco.

Bill "An Act To Enhance Efficiency in the Collection of Child Support Obligations"

(H.P. 905) (L.D. 1330)

Sponsored by Representative SANDERSON of Chelsea.  
Cosponsored by Senator BRAKEY of Androscoggin.  
Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act Regarding Legal Representation in Certain Eviction Actions"

(H.P. 910) (L.D. 1338)

Sponsored by Representative FREDETTE of Newport.

Bill "An Act To Promote Individual Private Savings Accounts through a Public-private Partnership"

(H.P. 896) (L.D. 1318)

Sponsored by Representative BECK of Waterville.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

The Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

**STATE AND LOCAL GOVERNMENT**

Bill "An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road"

(H.P. 903) (L.D. 1325)

Sponsored by Representative NADEAU of Winslow.  
Cosponsored by Senator VALENTINO of York and Representatives: CHENETTE of Saco, LONGSTAFF of Waterville, McCABE of Skowhegan, PICKETT of Dixfield, SAUCIER of Presque Isle, SHORT of Pittsfield, WARREN of Hallowell.

Bill "An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose"

(H.P. 897) (L.D. 1319)

Sponsored by Representative WARD of Dedham.  
Cosponsored by Senator CUSHING of Penobscot and Representatives: AUSTIN of Gray, GILLWAY of Searsport, GUERIN of Glenburn, LOCKMAN of Amherst, PICCHIOTTI of Fairfield, REED of Camel, SANDERSON of Chelsea, STETKIS of Canaan.

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

On motion of Representative MARTIN of Sinclair, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE,**

**RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act To Expand Rural Broadband"

(H.P. 901) (L.D. 1323)

Sponsored by Representative McCABE of Skowhegan.  
Cosponsored by Senator DILL of Penobscot and Representatives: DEVIN of Newcastle, DUCHESNE of Hudson, KUMIEGA of Deer Isle, POWERS of Naples, SAUCIER of Presque Isle, STANLEY of Medway.

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

On motion of Representative MARTIN of Sinclair, the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, ordered printed and sent for concurrence.

**TRANSPORTATION**

Bill "An Act To Amend the Motor Vehicle Laws"

(H.P. 898) (L.D. 1320)

Sponsored by Representative McLEAN of Gorham.  
Cosponsored by Senator ROSEN of Hancock and Representatives: DOORE of Augusta, GILLWAY of Searsport, GOLDEN of Lewiston, HOGAN of Old Orchard Beach, PARRY of Arundel, POWERS of Naples, Senator: HASKELL of Cumberland.  
Submitted by the Secretary of State pursuant to Joint Rule 204.

**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages"

(H.P. 906) (L.D. 1331)

Sponsored by Representative LUCHINI of Ellsworth.  
Cosponsored by Senator CYRWAY of Kennebec and Representatives: BEAR of the Houlton Band of Maliseet Indians, HANINGTON of Lincoln, KINNEY of Limington, LONGSTAFF of Waterville, SAUCIER of Presque Isle, SCHNECK of Bangor, TURNER of Burlington.

Bill "An Act To Amend the Election Laws"

(H.P. 907) (L.D. 1335)

Sponsored by Representative LUCHINI of Ellsworth.  
Cosponsored by Senator CYRWAY of Kennebec and Representatives: HANINGTON of Lincoln, KINNEY of Limington, LONGSTAFF of Waterville, MONAGHAN of Cape Elizabeth, SAUCIER of Presque Isle, SCHNECK of Bangor, TURNER of Burlington, Senator: PATRICK of Oxford.  
Submitted by the Secretary of State pursuant to Joint Rule 204.

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



**SPECIAL SENTIMENT CALENDAR**

In accordance with House Rule 519 and Joint Rule 213, the following items:

**Recognizing:**

Game Warden Aaron Cross, of Morrill, who is the recipient of a 2014 Exemplary Service Award presented by the Maine Warden Service. We extend our appreciation to Warden Cross for his commitment to the citizens of the State and congratulate him on his receiving this distinguished honor;

(HLS 168)

Presented by Representative BURSTEIN of Lincolnville.  
Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative SHAW of Standish, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

Game Warden Bob Johansen, of Millinocket, who is the recipient of a 2014 Exemplary Service Award presented by the Maine Warden Service. We extend our appreciation to Warden Johansen for his commitment to the citizens of the State and congratulate him on his receiving this distinguished honor;

(HLS 169)

Presented by Representative STANLEY of Medway.  
Cosponsored by Senator DILL of Penobscot.

On **OBJECTION** of Representative SHAW of Standish, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

Maine Warden Service Corporal Andrew Glidden, of Millinocket, who is the recipient of a 2014 Exemplary Service Award presented by the Maine Warden Service. We extend our appreciation to Corporal Glidden for his commitment to the citizens of the State and congratulate him on his receiving this distinguished honor;

(HLS 170)

Presented by Representative STANLEY of Medway.  
Cosponsored by Senator DILL of Penobscot.

On **OBJECTION** of Representative SHAW of Standish, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

Game Warden Jim Davis, of East Millinocket, who is the recipient of a 2014 Exemplary Service Award presented by the Maine Warden Service. We extend our appreciation to Warden Davis for his commitment to the citizens of the State and congratulate him on his receiving this distinguished honor;

(HLS 171)

Presented by Representative STANLEY of Medway.  
Cosponsored by Senator DILL of Penobscot.

On **OBJECTION** of Representative SHAW of Standish, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**Recognizing:**

retired Game Warden Lloyd Perkins, of Augusta, who is the recipient of the 2014 Legendary Game Warden Award presented by the Maine Warden Service Association. The award is given to a retired member of the Maine Warden Service who consistently displayed exceptional expertise in the area of conservation law enforcement and, since retiring, has continued to inspire passion for meeting the goals and mission of the Maine Warden Service. Mr. Perkins served as a game warden from 1971 to 2001. We congratulate Mr. Perkins on this great achievement and wish him continued success;

(HLS 172)

Presented by Representative DOORE of Augusta.  
Cosponsored by Representative POULIOT of Augusta, Representative FOWLE of Vassalboro, Senator KATZ of Kennebec.

On **OBJECTION** of Representative SHAW of Standish, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)** on Bill "An Act To Amend the Health Care Practitioner Transparency Requirements" (S.P. 190) (L.D. 521)

Signed:

Senators:

WHITTEMORE of Somerset  
BAKER of Sagadahoc

Representatives:

BECK of Waterville  
BROOKS of Lewiston  
COOPER of Yarmouth  
FOLEY of Wells  
MELARAGNO of Auburn  
MORRISON of South Portland  
PICCHIOTTI of Fairfield  
PRESCOTT of Waterboro  
TUCKER of Brunswick  
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-20)** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

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-19).**

**READ.**

On motion of Representative BECK of Waterville, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (S-19)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 16, 2015.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Administration of the Transportation System in the Department of Education"

(H.P. 208) (L.D. 314)

Signed:

Senators:

LANGLEY of Hancock  
EDGECOMB of Aroostook  
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor  
FARNSWORTH of Portland  
HUBBELL of Bar Harbor  
MAKER of Calais  
McCLELLAN of Raymond  
PIERCE of Falmouth  
STEARNS of Guilford  
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-56)** on same Bill.

Signed:

Representatives:

DAUGHTRY of Brunswick  
POULIOT of Augusta

**READ.**

On motion of Representative KORNFIELD of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Resolve, To Implement Recommendations from the Maine Science, Technology, Engineering and Mathematics Education and Workforce Plan

(H.P. 391) (L.D. 567)

Signed:

Senators:

LANGLEY of Hancock  
EDGECOMB of Aroostook

Representatives:

KORNFIELD of Bangor  
FARNSWORTH of Portland  
HUBBELL of Bar Harbor  
MAKER of Calais  
McCLELLAN of Raymond  
STEARNS of Guilford  
TIPPING-SPITZ of Orono

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

Signed:

Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick  
PIERCE of Falmouth  
POULIOT of Augusta

**READ.**

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-61)** on Bill "An Act To Remove Crossbows from the Restriction on Discharging Weapons near Buildings"

(H.P. 193) (L.D. 275)

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

SHAW of Standish  
COREY of Windham  
CRAFTS of Lisbon  
HILLIARD of Belgrade  
LYFORD of Eddington  
REED of Carmel  
WOOD of Greene

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

Signed:

Representatives:

ALLEY of Beals  
MARTIN of Sinclair  
SHORT of Pittsfield

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought Not to Pass** Report.

**READ.**

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

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker, the title may be a little bit off, but basically all the bill does is it allows people to target practice with a cross bow on their own property.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-61)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 16, 2015.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass** on Resolve, To Study the Impact of Winter Ticks on the State's Moose Population (H.P. 92) (L.D. 134)

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
CRAFTS of Lisbon  
HILLIARD of Belgrade  
LYFORD of Eddington  
MARTIN of Sinclair  
REED of Carmel  
WOOD of Greene

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

Signed:

Representative:

SHORT of Pittsfield

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass** Report.

**READ.**

Representative SHAW of Standish moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker I rise to speak in opposition to the pending motion and in support of the Minority Ought Not to Pass Report.

Mr. Speaker, Ladies and Gentlemen of the House, the Inland Fishery and Wildlife Department has been, since 2005, and is currently studying the impact of the winter tick on the body condition, the overall health, and the mortality of the Maine moose. The study is being done as a collaborative effort with New Hampshire Fish and Game Department, the University of New Hampshire, and the University of Maine Animal Health Lab.

The IF&W Department provided testimony during the public hearing on LD 134, and in that testimony said that, "Only through a comprehensive study, like the one currently being conducted, can we systematically understand and quantify various vectors that affect moose health, and thus their annual and long term survival." The IF&W Department, which is under the direction of its current Commissioner, Chandler Woodcock, testified in opposition of LD 134.

Mr. Speaker, Ladies and Gentlemen of the House, I ask each of you to think back to the recent bear referendum campaign and remember what opponents of Question 1 asked Maine voters to do. They were asked to trust our Inland Fishery and Wildlife Department and the biologists that work within that department. I was one of those people asking them to do that, and I am willing to bet that I am not the only one in this chamber today that did.

I ask people to trust the department because I truly believed then, as I do now, the department knows best. I find it impossible, just a few months later, to say that that same department can't be trusted when it comes to conducting a study on the winter tick and its effects on the mortality of the Maine

moose. If LD 134 passes, just imagine what our constituents will say about our inconsistency when the next bear hunting referendum comes before the people and they are asked once again to trust our biologists. Ladies and Gentlemen of the House, I ask you to trust our Inland Fishery and Wildlife Department as I continue to do, and vote "no" on the pending motion. Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** 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 Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, the gentleman who just spoke suggested the Department of Inland Fisheries and Wildlife is already studying the impact on ticks on moose. He is partially correct.

The department, in 2005, did develop a protocol to count winter ticks on moose harvested at checkpoint stations. I'm very familiar with this program, as in 2005, I initiated the program. LD 134 is a resolve, and it simply asks that the department continue conducting a study, including identifying any problems for moose population created by ticks and recommending possible courses of action, if any, to address this particular issue.

Here's the problem: the department has been conducting this program for close to ten years and has not recommended any possible courses of action to the Legislature, to our committee, and to the general public. This resolve simply requests that the department recommend possible courses of actions to include legislation to rectify this problem.

Moose and the harvesting of moose in Maine is big business, with a considerable economic impact to not only IF&W, but to our hunting guides, to the sporting industry, and to the lodging facilities not only in northern Maine, but throughout the State of Maine.

We know that winter ticks on moose is a real concern in New Hampshire. Because of this, New Hampshire has reduced its moose permit allocation from a high of just a couple years ago from 675 to 114 in the year 2014. Their moose population in New Hampshire has decreased from 7,600 to an estimated 4,000, and that's because of the situation with not only winter ticks, but summer ticks as well.

Maine issued, in 2013, over 4,000 permits for the harvesting of moose. And, in 2014, reduced its allocations 3,095, and it's my understanding that this year the commissioner, the department, rather is recommending 2,815 permits. That's a considerable decrease, and clearly that indicates to those of us that are familiar with the situation that this should raise a red flag.

I believe that Maine needs to take a proactive approach to determine the gravity of moose ticks and infestation before it's too late. Ladies and Gentlemen of the House, I urge you to accept and vote for the 12-1 Majority Ought to Pass Report of the committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, I do ask that you support the Majority Report on this bill. Basically, we do trust the wildlife biologists to a great extent in our committee, and what this bill does is it asks them to report back to us and it also gives the committee an opportunity to report out legislation in the second regular session if that's needed. So, it's a very important piece of legislation and I hope you vote with the Majority Ought to Pass Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, as I alluded to earlier, the Maine Fish and Wildlife Department is working with the New Hampshire Fish and Game Department in regards to the winter tick issue with our moose and their moose. And in today's *Morning Sentinel*, Mr. Speaker, there's an article that says signs point to fewer ticks on moose in New Hampshire, which tells me that that effort is beginning to work.

And also, Mr. Speaker, in regards to the department reporting out, they testified at the public hearing. They report out annually, and it's very simple to ask for a report on that by any department. And, also, we could have a biologist come in and tell us the progress at any time within the Inland Fishery and Wildlife Committee. Thank you, Mr. Speaker.

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

**ROLL CALL NO. 23**

YEA - Alley, Babbidge, Bates, Battle, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Edgcomb, Evangelos, Farnsworth, Fecteau, Fowle, Fredette, Frey, Gattine, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Warren, Welsh, White, Mr. Speaker.

NAY - Austin, Beavers, Beck, Bickford, Black, Campbell J, Campbell R, Chace, Duchesne, Dunphy L, Espling, Farrin, Foley, Gerrish, Gillway, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Hobbins, Kinney J, Kinney M, Lockman, Long, Maker, Malaby, Marean, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Sanderson, Sawicki, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Theriault, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Buckland, Dunphy M, McClellan.

Yes, 93; No, 55; Absent, 3; Excused, 0.

93 having voted in the affirmative and 55 voted in the negative, with 3 being absent, and accordingly the Majority Ought to Pass Report was **ACCEPTED**.

The Resolve was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 16, 2015.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect the Rights of Property Owners"

(H.P. 120) (L.D. 162)

Signed:

Senators:

BURNS of Washington  
JOHNSON of Lincoln  
VOLK of Cumberland

Representatives:

HOBBINS of Saco  
EVANGELOS of Friendship

HERRICK of Paris  
McCREIGHT of Harpswell  
MONAGHAN of Cape Elizabeth  
MOONEN of Portland  
SHERMAN of Hodgdon  
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-48)** on same Bill.

Signed:

Representatives:

GINZLER of Bridgton  
GUERIN of Glenburn

**READ.**

Representative HOBBS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit False Labeling of Marine Organisms"

(H.P. 292) (L.D. 425)

Signed:

Senator:

BAKER of Sagadahoc

Representatives:

KUMIEGA of Deer Isle  
ALLEY of Beals  
BATTLE of South Portland  
BLUME of York  
DEVIN of Newcastle  
HAWKE of Boothbay Harbor  
McCREIGHT of Harpswell  
PIERCE of Dresden  
SAWICKI of Auburn  
TUELL of East Machias

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

Signed:

Senators:

LANGLEY of Hancock  
MIRAMANT of Knox

**READ.**

On motion of Representative KUMIEGA of Deer Isle, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-52)** on Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees

(H.P. 9) (L.D. 6)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

NADEAU of Winslow

TUELL of East Machias

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

Signed:

Senator:

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

PICKETT of Dixfield

TURNER of Burlington

**READ.**

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

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 133) (L.D. 350) Bill "An Act To Expedite MaineCare Payments for School Administrative Units" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-16)**

(S.P. 138) (L.D. 370) Bill "An Act To Amend the Lobbyist Disclosure Procedures Law" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-14)**

(S.P. 184) (L.D. 455) Bill "An Act To Prohibit Deceptive Practices Regarding Unsolicited Loans" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-17)**

(S.P. 223) (L.D. 630) Bill "An Act To Clarify the Requirements for Notice of the Right To Cure a Mortgage Default" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-18)**

(H.P. 481) (L.D. 705) Bill "An Act Relating to Insurance Licensing" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 717) (L.D. 1048) Bill "An Act To Allow School Administrative District No. 27 To Transfer Ownership of the St. Francis Elementary School to the Town of St. Francis"

(EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 6) (L.D. 3) Bill "An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-70)**

(H.P. 82) (L.D. 110) Bill "An Act To Designate Maple Syrup as the Official State Sweetener" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-67)**

(H.P. 240) (L.D. 353) Bill "An Act To Ensure Maine's Elver Fishermen Can Fully Access Maine's Elver Resource" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-63)**

(H.P. 256) (L.D. 390) Bill "An Act To Enforce Restrictions in Parking Spaces and Access Designated for Persons with a Walking Disability" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-73)**

(H.P. 287) (L.D. 420) Bill "An Act To Amend the Law Regarding Filing Fees for Proposed Transmission Line Projects" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-71)**

(H.P. 301) (L.D. 462) Bill "An Act To Clarify Rulemaking for Transportation of Public School Students" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)**

(H.P. 392) (L.D. 568) Bill "An Act To Protect Maine Lakes" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-66)**

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

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(H.P. 394) (L.D. 570) Bill "An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Postpone or Cancel an Open Hunting Season" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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#### CONSENT CALENDAR

##### Second Day

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

(S.P. 102) (L.D. 288) Bill "An Act To Amend the Requirement of When Headlights Must Be Used"

(S.P. 196) (L.D. 527) Bill "An Act To Repeal Outdated Agricultural Aviation Laws"

(S.P. 243) (L.D. 650) Bill "An Act To Amend the Brunswick Sewer District Charter"

(S.P. 71) (L.D. 196) Bill "An Act To Ensure the Safety of Stationary Public Utility Emergency Service Vehicles" (C. "A" S-12)

(S.P. 87) (L.D. 249) Bill "An Act To Enable Seniors To Remain in Their Homes" (C. "A" S-10)

(S.P. 98) (L.D. 260) Resolve, To Create a License Plate To Recognize the Centennial of the United States Navy Reserve (EMERGENCY) (C. "A" S-11)

(S.P. 206) (L.D. 590) Bill "An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out Bag from Tax" (EMERGENCY) (C. "A" S-15)

(H.P. 334) (L.D. 495) Bill "An Act To Make Minor Nonsubstantive Changes to the Laws Affecting the Office of the State Auditor"

(H.P. 410) (L.D. 597) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autistic Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

(H.P. 478) (L.D. 702) Bill "An Act To Clarify Filing Methods for Quarterly Payroll Reports"

(H.P. 53) (L.D. 59) Bill "An Act To Protect Students' Rights and Privacy Regarding Their School Records" (C. "A" H-55)

(H.P. 105) (L.D. 147) Resolve, Regarding Legislative Review of Portions of Chapter 500: Stormwater Management, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY) (C. "A" H-45)

(H.P. 233) (L.D. 339) Bill "An Act To Clarify That the Telephone Number 9-1-1 Is the Primary Number Advertised or Promoted for Emergency Response Services" (C. "A" H-44)

(H.P. 261) (L.D. 395) Bill "An Act To Amend the Site Location of Development Laws" (C. "A" H-46)

(H.P. 284) (L.D. 417) Bill "An Act Regarding Measures To Ensure Students Can Demonstrate Proficiency in Financial Literacy" (C. "A" H-50)

(H.P. 300) (L.D. 461) Bill "An Act To Change the Notification Deadline for the Nonrenewal of a Teacher's Contract" (C. "A" H-51)

(H.P. 416) (L.D. 603) Bill "An Act To Achieve Regional Uniformity in Sulfur Standards for Heating Oil" (C. "A" H-47)

(H.P. 453) (L.D. 672) Bill "An Act To Improve Access to Capital" (C. "A" H-58)

(H.P. 483) (L.D. 707) Bill "An Act To Correct an Error in the Law That Allows a Break in Control of Access on William L. Clarke Drive in the City of Westbrook" (EMERGENCY) (C. "A" H-57)

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

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Under suspension of the rules, members were allowed to remove their jackets.

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## BILLS IN THE SECOND READING

### Senate

Bill "An Act To Require Political Action Committees To Report the Receipt of Paid Services Received from State Agencies" (S.P. 113) (L.D. 298)

### House

Bill "An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy" (H.P. 171) (L.D. 239)

### House as Amended

Bill "An Act To Promote Industrial Hemp" (H.P. 7) (L.D. 4) (C. "A" H-41)

Resolve, To Require the Department of Health and Human Services To Provide Supplemental Reimbursement to Adult Family Care Homes and Residential Care Facilities in Remote Island Locations (H.P. 57) (L.D. 63) (C. "A" H-49)

Bill "An Act To Provide Anger Management Courses or Additional Imprisonment for Domestic Violence Offenders" (H.P. 108) (L.D. 150) (C. "A" H-54)

Bill "An Act To Address Recommendations from the Report by the Office of Program Evaluation and Government Accountability Regarding the Public Utilities Commission" (H.P. 169) (L.D. 237) (C. "A" H-53)

Bill "An Act To Amend the Authorized Hours during Which Liquor May Be Sold and Purchased" (H.P. 465) (L.D. 684) (C. "A" H-60)

Reported by the Committee on **Bills in the Second Reading**, read the second time, 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.

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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 Thursday, April 9, 2015, 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 Amend the Child Protective Services Laws" (H.P. 842) (L.D. 1224) (Committee on **HEALTH AND HUMAN SERVICES** suggested) TABLED - April 7, 2015 (Till Later Today) by Representative GATTINE of Westbrook.  
**PENDING - REFERENCE.**

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

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HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-43)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Science and Engineering Education for Maine's Students"

(H.P. 303) (L.D. 464)

TABLED - April 9, 2015 (Till Later Today) by Representative FREDETTE of Newport.

**PENDING - ACCEPTANCE OF COMMITTEE REPORT.**

Representative FREDETTE of Newport **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.

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 Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition to this bill. I attended the MEA meeting last Wednesday night and listened to many teachers across the state who are burdened with so many changes to the agenda through Common Core and other items that have come before them, and they requested of us to give them a break.

And while I think this is a good goal to increase the science, I appreciate the efforts that the committee put forward. Any schools that want to do this can do this now; but to mandate it and push it forward puts an added burden to our teachers who are still struggling with the effects of Common Core, so I ask you to follow my light and let's vote this down and let the teachers have a break.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Mr. Speaker. We heard from many teachers at our public hearing on this bill. Every single one of them spoke in favor of this.

I think that it's important that we move this piece of legislation forward. We've heard from the education community. We heard a resounding amount of support for this, and I think that we should respect the unanimous committee vote and move this forward Ought to Pass. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I also share some concerns regarding this bill. I am concerned in listening to what is happening in our schools right now with some of the major changes they've had to undertake in implementing standard space education, proficiency based education.

Adding another set of standards to the current standards, I think is a lot for them to take on right now, so I would just ask that we take a pause, take a deep breath, really look into some of these issues as I'm sure the Education Committee will be during this session and vote Ought Not to Pass on this bill. Thank you.

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. 24**

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert,

Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Buckland, Dunphy M, McClellan.

Yes, 93; No, 55; Absent, 3; Excused, 0.

93 having voted in the affirmative and 55 voted in the negative, with 3 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-43)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Thursday, April 16, 2015.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Implement Recommendations from the Maine Science, Technology, Engineering and Mathematics Education and Workforce Plan

(H.P. 391) (L.D. 567)

Which was **TABLED** by Representative KORNFIELD of Bangor pending her motion to **ACCEPT** either Report.

Subsequently, on motion of Representative KORNFIELD of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Allow Consumers of Cable Television To Purchase Channels Individually"

(H.P. 264) (L.D. 398)

Signed:

Senators:

WOODSOME of York  
MASON of Androscoggin

Representatives:

DION of Portland  
BEAVERS of South Berwick  
DUNPHY of Embden  
HIGGINS of Dover-Foxcroft  
O'CONNOR of Berwick  
WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-64)** on same Bill.

Signed:

Senator:

HILL of York

Representatives:

BABBIDGE of Kennebunk

DeCHANT of Bath

GROHMAN of Biddeford

RYKERSON of Kittery

**READ.**

Representative DION of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative EVANGELOS of Friendship **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** 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 Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, Men and Women of the House, I speak in opposition to the pending motion. I submitted this bill on behalf of Maine's hundreds of thousands of cable television subscribers.

For far too long consumers have been forced to purchase cable TV packages which include dozens of channels the consumer has no interest in watching. The U.S. cable industry has already implemented a la carte options when it suits their needs. Pay per view, HBO, and other offerings are already done on an a la carte basis, defeating the arguments that this consumer friendly option poses logistical or legal problems. In addition, consumers are now able to select individual programming using their computers and this option needs to be expanded to our televisions at home.

Let's take a moment and consider the plight of senior citizens on fixed income who would like to watch sports or classic movies, some of the favorite things they like to do. Living on social security for \$800 or \$1,000 a month, the cable subscription that includes NESN (which is the Red Sox), ESPN, and Turner Classic Movies currently costs approximately \$60 or \$70 when you factor in the digital adapter, high definition box and taxes. That amounts to almost 8 percent of that senior citizen's income, effectively pricing them out of the market. For this reason, many people go without television and an a la carte option would allow this person to select a few favorite channels and enjoy programming that fits their needs.

You know, when I grew up the FCC used to enforce the 14th amendment, the Equal Protection Clause. It allowed for equal access if you had come under attack as a politician. It also allowed for everyone to have equal opportunities to watch the news and for information. And I've provided an FCC circular to some of your desks, which I've attached, and this states that, "There is no law," this is from the Federal Communications Commission in Washington, "There is no law that requires or prohibits cable companies to offer channels or programs on an a la carte basis." So, there is nothing prohibiting it. Therefore, there is no federal regulation prohibiting this federal regulation prohibiting this a la carte pricing. It is within the state's authority to add this option for Maine's local franchise authorities.

We have amended the bill to require the basic tier 1, which is part of each municipal franchise options, but beyond the tier 1 pricing, which is about 20 bucks a month. This bill calls for

allowing you to select the three of four channels that you may want to watch. So, I urge you to vote "no" on the pending motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill will not hurt the cable companies or the satellite companies in any way. But, who wants to watch channels, pay for channels they don't want to watch?

I've been talking about getting a bill in just like this so that when you pay for the basic package, that's fine. But then if you want 10 or 12 other channels, you got to get 40, 45, 50 channels that you don't want and pay for them. Now the TV companies are making money from you, but they're telling you what you got to watch. And I don't have a problem with paying it if it's something I want.

And then you got to sit there and half of the time you're watching advertisements. And they're getting money and getting paid big money to put these ads on, and they telling you you got to watch them too.

So, this is a very simple thing. You pick the channels you want, you pay for them, and that's all. So, I urge you to vote to support this bill. Thank you.

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

Representative **DEVIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, like the good Representative from Friendship, I represent people in Lincoln County, and the good Representative from Friendship and I, last Friday, had lunch with Tidewater Telecom who provides a lot of cable access in the entire midcoast.

And the good Representative from Friendship asked point blank, "What is your feeling on offering cable TV a la carte?" And the response was, "We're all set to do it. There's no problem; be very easy for us." So, like the good Representative from Friendship, I will be voting red on this. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker, I, too, come from a rural area where you have a lot of cable and satellite customers, and one thing I hear often, much like the Representative from Friendship said, you know, you have a lot of people that don't see why you should have to pay for all these hundreds of channels like the European Football Network, and I'm a fan of English football, by the way.

But I say this because we need to get these, we need to be paying, people need to be paying for what they're watching. And I personally think you should be getting what you pay for. So I will also be voting with the Representative from Friendship on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I heard this bill, I loved it. I thought it sounded great.

But in reality, what this will do is cause the prices of cable TV service for everybody to go up. It will cause that basic package for everyone to go up. And, it also interferes with a private business. It tells, we force them by government edict as to what they have to do. That's not right. If they want to offer these services, it's coming. As we speak, you can get Netflix, Hulu, a whole bunch of other stuff, and this will be coming. You do not need a government mandate to do this. Thank you.



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

Representative **RUSSELL**: Thank you, Mr. Speaker, may I pose a question to anyone who may answer?

The **SPEAKER**: The Representative may pose her question.

Representative **RUSSELL**: Thank you kindly. I appreciate that. Men and Women of the House, I don't disagree with the direction, some of the arguments that have been made on both sides, but my question is, does the state have the legal authority to regulate the cable industry, or is that regulated through the FCC?

The **SPEAKER**: The Representative from Portland, Representative Russell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, I'll repeat I have a circular here from the Federal Communications Commission that says there is no law that prohibits cable companies to offer channels on an a la carte basis. The part that they do require is the franchising authority going through local communities and offering tier 1 service, but beyond the tier 1 service, there is the flexibility within the federal law. There's nothing to prohibit it and I checked with the FCC, I got this circular, and the information on the circular is clear on that. Thank you.

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 would seem to me that this would be a bill that, while it may make some sense, that, you know, we have a market place and generally speaking, you know, you have DIRECTV, you have Time Warner; there's a number of places out there where people can exercise what they want to do in the market place. And I don't think this is a place where we need government intervention, and I would ask the Clerk to read the committee report.

The same Representative **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 Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker, may I request a question through the Chair to anyone who would care to answer it?

The **SPEAKER**: The Representative may pose his question.

Representative **HICKMAN**: Thank you, Mr. Speaker, I guess I've heard twice this morning that passing this bill will make rates go up. And I'm just wondering if any member of the committee or anyone else in this chamber has heard directly from the cable companies or their representatives that passing this bill will make the rates go up and by how much.

The **SPEAKER**: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker, I heard in committee, in the Energy Committee, that if you purchased each of these channels individually, it would cost more than the package. I did not hear that it would cost more for general cable subscribers if this option was available. I did hear that it's a tool of the cable companies to actually jumpstart some of the other smaller cable channels. But I did not hear that it would cost the cable subscribers more.

I think that this is not really a free market. If you, a free market would involve being able to buy a cabbage without buying

the apples. The present system is if you go buy cabbage, you're required to buy apples and elements at the same time. So, I would say this bill actually encourages a free market. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, I also believe that this is another regulatory process and I think that the market should be able to go forward.

I was just thinking, a moment ago, when I buy a Sunday paper, there's a great, great volume of stuff there, and about 90 percent of it I discard. And I wish I could buy a paper with just the elements in it that I wish to read. Unfortunately, I have to buy the whole thing. And, to buy just the portions that I would like to read, I suspect the paper, the cost of that newspaper would go up substantially. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. On that flyer that's around, there is no law that requires or prohibits cable companies to offer channels or programs on a a la carte basis. And, the good Representative from Portland asked a question, would we be in violation of federal law. Well, the bottom line is, there's people in this chamber that supports marijuana, and they're not concerned whether that's against the federal law.

The **SPEAKER**: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker. I apologize for rising again, but I did want to answer one of the questions that was posed. The owner of Tidewater Communications told us that the basic tier service is \$20 dollars and many of the channels are available for less than a dollar on an a la carte basis. Some of the other channels like ESPN or the sports channels are packaged so that they might cost \$5 or \$10 dollars, but there's no question that the cable costs will go down. And, Senator McCain in 2013, in a Senate hearing, said that television a la carte offerings for cable television would result in rates going down about 15 percent across the board.

You only have to choose what you want. It's 20 bucks plus a few channels, but I mean, to the gentleman's concern about the Sunday paper, you can go online and read the articles you want for free. And, I don't know, I go to the grocery store, I'm not forced to purchase 80 items to buy the three things I want. I mean, where else in capitalism are we forced to purchase things that we don't want in order to get the few things that we want? This is simply a matter of freedom and a consumer choice bill, and I think it's time we made a statement and heard from our senior citizens, especially, who are not getting equal treatment because they're on a fixed income and they can't afford what some of the rest of us have. Thank you, Mr. Speaker.

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

Representative **DION**: Mr. Speaker, Ladies and Gentlemen of the House, I really frankly don't know where to begin on this debate. I have no objection to the sentiment of free choice, free market, except when it's not as free as we'd like. I have no objection to doing things for our seniors.

My only concern is that we ask the proper question in the right form. There was a quick reference to Senator McCain. My ears peaked. Right question, right form. United States Congress.

The law is clear that any regulatory intrusion into the cable television industry has to be accomplished through the Federal Communications Commission. And I know it's not popular these

days to like the federal government. I've heard indirect chastisements about what's federal today may not be federal tomorrow, but for this particular question and for the business community's reliance on the predictability and consistency of our policy decisions, we have to recognize where we should go to solve a problem. In this case, it's a federal body, not a state legislature.

Now, the other piece that's important is there is a consumer consequence. Alright, much like we do with the PUC, power is a state issue, though it's played out in a regional manner. If you break apart bundling, it does have a consequence on other customers and the cost that they will pay. That is the structure of that market. There is no constitutional right to cable TV. There is no entitlement to cable TV. It is a consumer decision. If you want to purchase it as it is currently structured, then do so. If you do not, then do not.

It is not the business of government to interfere in the market's activity. Let the market sort it out. When those who provide the service recognize the growing demographic of elder citizens, and if there is a specific demand to increase their access to one or two channels or stations, they will provide that service. Alright, either we interfere in markets and we call it something, or we don't, and that's the decision today. The majority has decided not to interfere in the market, but allow the market to do what it should do on its own. Thank you.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos. Having spoken twice now requests unanimous consent to address the House a third time. Is there objection? Hearing no objection, if a Representative would like to address the chamber they need to rise and be recognized by the Chair.

Representative O'CONNOR: Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative O'CONNOR: Thank you, this is actually the fourth time that Representative Evangelos has risen on this issue.

The SPEAKER: One of those times was responding to a question. Hearing no objection, the Representative from Friendship, Representative Evangelos, may proceed.

Representative EVANGELOS: Thank you, Mr. Speaker, I just wanted to remind everybody that the cable television industry is not a free market industry, it's a monopoly.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 25**

YEA - Austin, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Campbell R, Chace, Cooper, Corey, Crafts, Davitt, Dillingham, Dion, Doore, Duchesne, Dunphy L, Edgecomb, Espling, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hanington, Head, Herbig, Higgins, Hilliard, Hobart, Hobbins, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin R, McCabe, McElwee, McLean, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Russell, Sanborn, Sanderson, Sawicki, Schneck, Shaw, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - Alley, Babbidge, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Daughtry, DeChant, Devin, Evangelos, Gilbert, Hamann, Hanley, Harlow, Hawke, Herrick, Hickman, Hogan, Jorgensen, Martin J, Mastraccio, McCreight, Melaragno, Monaghan, Moonen, Morrison, Noon, Powers, Rykerson, Saucier, Seavey, Sherman, Short, Stanley, Stuckey, Sukeforth, Tepler, Tuell, Welsh.

ABSENT - Buckland, Dunphy M, Kruger, McClellan.

Yes, 104; No, 43; Absent, 4; Excused, 0.

104 having voted in the affirmative and 43 voted in the negative, with 4 being absent, and accordingly the Majority Ought Not to Pass Report was ACCEPTED and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Quantitatively Evaluate State Contracts"

(H.P. 225) (L.D. 331)

Signed:

Senators:

WHITTEMORE of Somerset

LIBBY of Androscoggin

WILLETTE of Aroostook

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

GREENWOOD of Wales

PICKETT of Dixfield

TUELL of East Machias

TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-69)** on same Bill.

Signed:

Representative:

EVANGELOS of Friendship

**READ.**

Representative MARTIN of Sinclair moved that the House ACCEPT the Majority Ought Not to Pass Report.

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, LD 331 takes an outside the box approach to evaluating competitive state contracts. It quantifies the overall value of a bid to the state.

As an example: As the state issues a request for proposals on RFP to purchase 10,000 widgets, it receives two bids. A New Hampshire company bids 195,000, and a Maine company bids 200,000. The New Hampshire bid consists of \$100,000 for supplies and 95,000 for salary and labor. The Maine bid consists of \$100,000 for supplies and \$100,000 for salary and labor.

On the face of it, the New Hampshire bid appears to save the state \$5,000. However, all funds spent on the New Hampshire bill will remain in New Hampshire. The state receives no secondary or ancillary benefit. In analyzing the Maine bid, I want to focus just on the salary and labor portion of 100,000.

What we know is that just under ten percent of a Mainer's annual income comes back to the state in income, sales, and

excise taxes. Ten percent! Thus, of a \$10,000 aspect in the Maine bid, \$10,000 of that will be returned to the state. The resulting is that the cost to the state of the Maine company's salary and labor will be 90,000. When you add the 90,000 with the 100,000 for the supplies, the Maine bid now becomes valued to the state at 190,000, or \$5,000 less than the New Hampshire bid.

LD 331 will ensure that the state utilizes its resources in the most effective manner when awarding competitive bid contracts. Thank you very much, Mr. Speaker.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED**.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Bill "An Act To Protect the Environment from Fireworks Debris"

(H.P. 298) (L.D. 459)

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro  
CHENETTE of Saco  
DAVITT of Hampden  
LAJOIE of Lewiston  
NADEAU of Winslow  
THERIAULT of China  
WARREN of Hallowell

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

Signed:

Representatives:

GERRISH of Lebanon  
LONG of Sherman  
TIMMONS of Cumberland

**READ.**

On motion of Representative FOWLE of Vassalboro, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 16, 2015.

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**SENATE PAPERS**

Bill "An Act To Require Labeling of All Genetically Modified Products"

(S.P. 478) (L.D. 1326)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy"

(S.P. 483) (L.D. 1334)

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

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

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Bill "An Act To Provide Relief to Maine Ratepayers"

(S.P. 484) (L.D. 1339)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

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Bill "An Act To Attract Entrepreneurs to the State"

(S.P. 481) (L.D. 1332)

Bill "An Act To Ensure Economic Stability in Washington County"

(S.P. 482) (L.D. 1333)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

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Bill "An Act To Clarify the Ownership of and Access to Ancient and Family Burying Grounds"

(S.P. 480) (L.D. 1328)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 479) (L.D. 1327)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

**REFERRED** to the Committee on **TAXATION** in 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 DAVITT of Hampden, the House adjourned at 11:57 a.m., until 10:00 a.m., Thursday, April 16, 2015.