

# 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  
32nd Legislative Day  
Thursday, April 16, 2015

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

Prayer by Rabbi Erica Asch, Temple Beth El, Augusta.

National Anthem by Varsity Singers, North Yarmouth Academy, Yarmouth.

Pledge of Allegiance.

Doctor of the day, James Hildebrand, M.D., Orono.

The Journal of April 14, 2015 was read and approved.

The following item was taken up out of order by unanimous consent:

**ORDERS**

On motion of Representative **POULIOT** of Augusta, the following Joint Resolution: (H.P. 919) (Cosponsored by Senator **MILLETT** of Cumberland and Representatives: **DAUGHTRY** of Brunswick, **GINZLER** of Bridgton, **HICKMAN** of Winthrop, **KORNFIELD** of Bangor, **TIPPING-SPITZ** of Orono)

**JOINT RESOLUTION COMMEMORATING THE HOLOCAUST  
AND HUMAN RIGHTS CENTER OF MAINE'S LEGISLATIVE  
AWARENESS DAY AND YOM HASHOAH,  
THE DAY OF REMEMBRANCE**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 12, 2015 through April 19, 2015 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 16, 2015; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, and April 16, 2015 has been designated as the Holocaust and Human Rights Center of Maine's Legislative Awareness Day, marking 70 years since the end of World War II and the liberation of the Nazi concentration and death camps; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators; that We urge one and all to recommit themselves to the lessons of the Holocaust through the

Holocaust and Human Rights Center of Maine's Legislative Awareness Day and the international week of commemoration; and that We express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

**READ.**

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

Representative **POULIOT**: Mr. Speaker, Men and Women of the House, for over 30 years the Maine State House has participated in Legislative Awareness Day, taking time to recognize and honor survivors and liberators who moved to Maine following the Holocaust. Today, we are privileged to honor two survivors living in Maine who are able to join us, Evelyn Panish and Charles Rotmil.

Evelyn Panish was born in Germany in 1930 and lived in Berlin until fleeing with her family to China. In 1940 Evelyn and her family escaped Nazi persecution by emigrating to Shanghai via Russia, Siberia and Manchuria. They emigrated to the US in 1947. She now lives in Freeport, Maine with her husband, Mort. Charles Rotmil was born in Alsace, Lorraine in 1932. In 1938 Charles moved with his family to Vienna. Two years later they escaped to Belgium and then to France in their attempts to flee the war against the Jews. By 1943, his mother and sister had died in a train crash and his father had been gassed at Auschwitz. Father Bruno Reynders, a Benedictine monk took Charles and his brother under his wing along with 400 other children. They lived in hiding under false names until the liberation in 1945. In 1946 he arrived in the United States. He spent many years as a school teacher, and now as a film maker, photographer, writer and artist living in Maine.

On behalf of myself and the 127th Maine Legislature, I would like to thank you for joining us today. Your lives are an inspiration to us, and I know to many others. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Topsham, Representative **TEPLER**.

Representative **TEPLER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise today because today is Yom Hashoah, the Day of the Remembrance of the Holocaust. And I know for many of you in this chamber, it may be that that event seems distant, long ago, and far away, but for my children, their grandparents are survivors of that very Holocaust. And, I would like to explain to you how this feels for us and how important this is for us.

My father-in-law was born in the small town of Tomaszów, Lubelski in Northwestern Poland. He survived the Holocaust with his entire family because they were transported by the Soviets to Soviet labor camps following the signing of the Nonaggression Pact with Germany.

My mother-in-law was born in the town of Izbica, in a slightly different part of Poland. She and her sister, in 1939, listening to Hitler on the radio, decided that they felt they needed to run, and run fast. So they ran to relatives in the Ukraine just as the blitzkrieg in Poland began. And they survived the war in the Soviet Union. After the war, they discovered that their entire family, four brothers and their parents, and most of the Jews of the village of Izbica, had been entirely wiped out.

My mother-in-law lost a child, my husband's oldest brother, born during the war. So for us, this is very close and very near. It's also important to understand that for me and for my family, my

responsibilities in this chamber, and hopefully the responsibilities that all of you hold dear, are to make certain that this kind of event, not specifically a genocide of Jews, but any kind of genocide, the permission to give to tyranny, to overcome a particular minority, that this never happens again.

And in that note, I would like to read to you the words of the Pastor Martin Niemöller:

*First they came for the Communists  
And I did not speak out  
Because I was not a Communist  
Then they came for the Socialists  
And I did not speak out  
Because I was not a Socialist  
And then they came for the trade unionists  
And I did not speak out  
Because I was not a trade unionist  
And then they came for the Jews  
And I did not speak out  
Because I was not a Jew  
Then they came for me  
And there was no one left  
To speak out*

And it's very good to see you Morton and Evelyn, and thank you for being here today.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise before you today to thank you for joining together on this Day of Remembrance and of the Holocaust. This day is marked a week after the end of Passover, and it is also the anniversary of the Warsaw Ghetto Uprising.

The Holocaust is something we, all of us, remember in our hearts. We remember it, we don't think about it every single day or every moment, but none of us ever forgets. So, why then do we pause on this day to commemorate the Holocaust?

Thirteen years ago, when I married my husband, I also married into the Jewish community. And together, with our children and his parents, we remember on this day. We think about how we, as humans, allowed something like the Holocaust to happen. We question ourselves. We think about how we, as humans, then fought against it. We pause to remind ourselves of what may happen when we, as human beings, lose our vigilance; when we, as human beings, stop striving to overcome prejudice of any sort and at any turn.

Over 12 years preceding and during World War II, six million Jews were systematically and purposely murdered through genocide. Still millions more suffered at the hands of the Nazi's, and some escaped, as did my friend Evelyn Panish here today. We remember with her and her grandchildren.

Through this resolution we need to ask more of ourselves though—not just to remember, but to commit to the promise of upholding human rights, and to the promise of staring down and eradicating bigotry and discrimination, whether it's in Maine and the United States or across our world.

And I just want to add as an extra note something extraordinary that happened very recently, which is that the Pope recognized a genocide which took place before the Holocaust, and that was the genocide of the Armenians, of the Armenians around 1915. That was very significant and I just want to note that that happened also.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. And it came to pass in those days that Hitler died in his Berlin bunker. One week later, during the second week of May, nineteen hundred and forty six, Nazi Germany surrendered unconditionally and the war in Europe ended.

In the first weeks of August, the United States dropped the atomic bomb on Nagasaki and Hiroshima and the Soviet Union declared war on Japan and invaded Manchuria. On the fourteenth day of August, Japan announced its surrender—so long as it could keep its emperor—and World War II, a most devastating war in terms of material destruction, global scale, and lives lost, finally ended.

My father, Hazelle Hickman, a Tuskegee Airman, fought in that war that ultimately liberated Jews from one of the most oppressive, inhumane regimes in human history.

Mr. Speaker, Women and Men of the House, today, we remember the Holocaust because we must never forget.

African Americans and American Jews have interacted throughout much of the history of this great nation. This relationship has included widely publicized cooperation and sometimes conflict, and—since the 1970s—has been an area of considerable academic research. Arguably the most significant aspect of this relationship was the cooperation during the Civil Rights Movement, culminating in the Civil Rights Act of 1964.

Every New Year's eve, my father would slow cook a slab of kosher corned beef so tender you could cut it with a fork. My mother baked a delicious rugula with a crust so flaky no one could resist it. It was the only thing she ever baked.

My first and only pediatrician, Dr. Eli A. Gecht, was a Holocaust survivor.

Today, we recognize the Holocaust survivors who reside in our great state and all over this world because must never forget.

The presence of those with us here today is truly a blessing.

Mr. Speaker, Women and Men of the House, Anti-Semitism, racism, bigotry, and tyranny have no place in a free society.

I will close with a quote from James Baldwin, my favorite American author and one of the literary giants and leaders of the Civil Rights Movement, who said:

"One must say YES to life and embrace it wherever it is found, and it is found in terrible places... For nothing is fixed; forever and forever, it is not fixed. The earth is always shifting, the light is always changing, the sea does not cease to grind down rock. Generations do not cease to be born and we are responsible to them because we are the only witnesses they have. The sea rises, the light fades, lovers cling to each other, and children cling to us. The moment we cease to hold each other, the moment we break faith with one another, the sea engulfs us, and the light goes out." End quote.

Always, always treat one another with kindness. Take care of your blessings. Thank you, Mr. Speaker.

Subsequently, the Joint Resolution was **ADOPTED** 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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**SENATE PAPERS**

The following Joint Resolution: (S.P. 486)

**JOINT RESOLUTION DECLARING THE  
WEEK OF APRIL 12, 2015 AS MAINE PUBLIC SAFETY  
TELECOMMUNICATORS WEEK**

WHEREAS, the United States Congress has declared the week beginning April 12, 2015 as "National Public Safety Telecommunicator Week"; and

WHEREAS, over 500,000 dedicated men and women are engaged in the operation of emergency response systems for federal, state, county and local governmental entities throughout the United States; and

WHEREAS, these "unseen first responders" are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching assistance to help save the lives and property of our citizens; and

WHEREAS, Americans place their trust in these individuals, not just this week, but every day of the year, and rely on their knowledge and professionalism as they make critical decisions, obtain information and quickly dispatch needed aid; and

WHEREAS, the calls for help include not only police, fire and emergency medical service calls but those governmental communications related to natural disasters, forestry and conservation operations, highway safety and maintenance activities, and all other operations that modern governmental agencies must conduct; and

WHEREAS, Maine's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of April 12, 2015 as Maine Public Safety Telecommunicators Week.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 120)

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

April 16, 2015

Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

L.D. 207 An Act To Amend the Maine Commercial Fertilizer Law and the Maine Agricultural Liming Materials Act

L.D. 656 An Act To Enhance Forest Ranger Safety

L.D. 708 An Act To Limit the Use of Pesticides on School Grounds

Transportation

L.D. 283 An Act To Require Proof of Insurance for Motor Vehicle Inspection

L.D. 348 An Act To Provide for 2-year Motor Vehicle Inspection Stickers

L.D. 381 An Act To Change the Motor Vehicle Inspection Requirements To Extend the Time between Inspections

L.D. 615 An Act Regarding Transparency in the Transportation of Hazardous Materials

L.D. 634 An Act To Allow Operation of Modified Utility Vehicles on a Public Way

L.D. 809 An Act Regarding Motor Vehicle Inspection Program Requirements

Veterans and Legal Affairs

L.D. 677 An Act To Amend the Election Laws Concerning Candidates and Nominees

L.D. 720 An Act To Establish an Open Primary System in the State

L.D. 744 An Act To Permit Unenrolled Voters To Cast Ballots in Primary Elections

L.D. 770 An Act To Permit Maine Residents To Register To Vote Online

L.D. 777 An Act To Establish a Seasonal Agency Liquor License

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 212)

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

April 14, 2015  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Eves:

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

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of William N. Lund of Portland for reappointment as the Superintendent of the Bureau of Consumer Credit Protection.

Upon the recommendation of the Committee on Insurance and Financial Services, the nomination of Honorable Lloyd P. LaFountain III of Biddeford for reappointment as the Superintendent of the Bureau of Financial Institutions.

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 and Resolves 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:

Bill "An Act To Prohibit Unauthorized Custody Transfers of Children"

(H.P. 911) (L.D. 1342)

Sponsored by Representative HICKMAN of Winthrop. Cosponsored by Senator VOLK of Cumberland and Representatives: BEAVERS of South Berwick, GATTINE of Westbrook, GUERIN of Glenburn, MAKER of Calais, Senators: BURNS of Washington, DIAMOND of Cumberland, HAMPER of Oxford, McCORMICK of Kennebec.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested.

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

Bill "An Act To Increase Access to Postsecondary Education for Maine National Guard Members"

(H.P. 912) (L.D. 1343)

Sponsored by Representative FREDETTE of Newport. Cosponsored by Senator WHITTEMORE of Somerset and Representatives: BRYANT of Windham, FARRIN of Norridgewock, NADEAU of Winslow, POULIOT of Augusta, SKOLFIELD of Weld, STETKIS of Canaan, Senators: EDGECOMB of Aroostook, LIBBY of Androscoggin.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **REFERENCE** and later today assigned.

**HEALTH AND HUMAN SERVICES**

Bill "An Act To Protect Older Adults from Financial Exploitation" (EMERGENCY)

(H.P. 917) (L.D. 1348)

Sponsored by Representative GATTINE of Westbrook. Cosponsored by Senator HASKELL of Cumberland and Representatives: Speaker EVES of North Berwick, MALABY of Hancock, Senator: KATZ of Kennebec.

Bill "An Act To Establish the Office of the Inspector General in the Department of Health and Human Services"

(H.P. 918) (L.D. 1349)

Sponsored by Representative DION of Portland. Cosponsored by Senator LIBBY of Androscoggin and Representatives: ALLEY of Beals, BLUME of York, DAVITT of Hampden, GILBERT of Jay, POWERS of Naples, SAUCIER of Presque Isle, Senator: BREEN of Cumberland.

Resolve, To Increase the Reimbursement Rate for Direct-care Workers Serving Adults with Long-term Care Needs

(H.P. 920) (L.D. 1350)

Sponsored by Speaker EVES of North Berwick. Cosponsored by Senator BURNS of Washington and Representatives: ESPLING of New Gloucester, GOODE of Bangor, McCREIGHT of Harpswell, McELWEE of Caribou, SAUCIER of Presque Isle.

**INSURANCE AND FINANCIAL SERVICES**

Bill "An Act To Protect Maine Consumers in the Individual Health Insurance Market and Support Maine's Economy"

(H.P. 913) (L.D. 1344)

Sponsored by Representative SANBORN of Gorham. Cosponsored by Senator GRATWICK of Penobscot and Representatives: BECK of Waterville, COOPER of Yarmouth, FOLEY of Wells, POULIOT of Augusta, VACHON of Scarborough, Senators: KATZ of Kennebec, VOLK of Cumberland.

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

Bill "An Act To Provide Funding for Incubators for Business Start-ups"

(H.P. 914) (L.D. 1345)

Sponsored by Representative FECTEAU of Biddeford. Cosponsored by Senator DUTREMBLE of York and Representatives: AUSTIN of Gray, EDGECOMB of Fort Fairfield, GILBERT of Jay, GOLDEN of Lewiston, GROHMAN of Biddeford, HERBIG of Belfast, MASTRACCIO of Sanford, WARD of Dedham.

Bill "An Act To Ensure that Membership of Public Employees in Unions is Voluntary"

(H.P. 921) (L.D. 1351)

Sponsored by Representative STETKIS of Canaan. Cosponsored by Senator VOLK of Cumberland and Representatives: AUSTIN of Gray, WARD of Dedham, Senators: BRAKEY of Androscoggin, CUSHING of Penobscot. Submitted by the Department of Labor pursuant to Joint Rule 204.

**VETERANS AND LEGAL AFFAIRS**

Bill "An Act To Establish a Comprehensive Gaming Policy"

(H.P. 915) (L.D. 1346)

Sponsored by Representative RUSSELL of Portland. Cosponsored by Senator VALENTINO of York and Representatives: KINNEY of Limington, MAREAN of Hollis.

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

**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 19)

**ORDERED**, that Representative Robert W. Alley, Sr. of Beals be excused April 7 and 9 for personal and health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Michelle Ann Dunphy of Old Town be excused April 9 and 14 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Matthew Dana II of the Passamaquoddy Tribe be excused April 7 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Karen A. Gerrish of Lebanon be excused April 9 for personal reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR.**

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

**Recognizing:**

Adam J. Poulin, a senior at Carrabec High School, who is a recipient of a 2015 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations to Adam on his receiving this award;

(SLS 258)

On **OBJECTION** of Representative DUNPHY of Embden, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

Representative DUNPHY of Old Town moved that the House **INDEFINITELY POSTPONE** the Sentiment and all accompanying papers.

The **SPEAKER**: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: I simply wanted to state that it's a duplicate sentiment. Thank you, Mr. Speaker.

Subsequently, the Sentiment and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

**REPORTS OF COMMITTEE**

**Refer to the Committee on State and Local Government Pursuant to Statute**

Representative KRUGER for the **Government Oversight Committee** on Bill "An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards"

(H.P. 916) (L.D. 1347)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to the Maine Revised Statutes, Title 3, section 997, subsection 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

**Change of Committee**

Report of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Prohibit Public Endorsement of Candidates for Office by County Employees and Elected Officials"

(S.P. 301) (L.D. 857)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

**Divided Reports**

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Cap Fines Imposed for Certain Motor Carrier Violations"

(S.P. 123) (L.D. 308)

Signed:

Senators:

COLLINS of York  
DIAMOND of Cumberland  
ROSEN of Hancock

Representatives:

McLEAN of Gorham  
BRYANT of Windham  
GILLWAY of Searsport  
GOLDEN of Lewiston  
HOGAN of Old Orchard Beach  
POWERS of Naples

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-36)** on same Bill.

Signed:

Representatives:

FARRIN of Norridgewock  
HOBART of Bowdoinham  
PARRY of Arundel  
VEROW of Brewer

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

**READ.**

On motion of Representative McLEAN of Gorham, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities (EMERGENCY)

(H.P. 73) (L.D. 90)

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HEAD of Bethel  
HYMANSON of York  
MALABY of Hancock  
PETERSON of Rumford  
SANDERSON of Chelsea  
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-65)** on same Resolve.

Signed:

Senators:

HASKELL of Cumberland  
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville

HAMANN of South Portland  
STUCKEY of Portland

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative GATTINE: Thank you, Mr. Speaker, Men and Women of the House this bill implements a unanimous recommendation of the Long Term Care Commission. That commission met over the past two years to improve the way that we deliver and pay for services to people in nursing homes. And when I say that this recommendation was unanimous, it means that it had the support from both parties, both bodies, nursing home providers, and advocates for the elderly.

How we pay for nursing homes and assisted living facilities is very complicated. But this bill is pretty simple. Elderly people who live in nursing homes and in assisted living facilities paid for by MaineCare contribute a lot to the payment for their services. They contribute a lot. They basically have to spend almost all their assets and contribute all their income to help pay for their long term care.

Every month they hand over their social security check and any other income that they might have. Each resident is allowed to keep a small allowance in order to pay for personal items—a birthday card for a friend, a gift for a grandchild, a haircut, a meal out from time to time with family and friends, toiletries, cosmetics, a subscription to a favorite newspaper or magazine—personal things that aren't covered in the rate that MaineCare pays the facility; things that give a personal connection to the life that they had before they needed institutional care; things that bring an elderly person a little bit of dignity as they grow old.

The personal allowance for folks in nursing homes is \$40 a month. This bill raises it to \$50 a month. For a person in an assisted living facility, it raises the allowance from \$70 to \$90. The personal services allowance has not been raised in almost 30 years. A small raise in this allowance for the benefit of our older neighbors is long overdue.

I think the Legislature should be proud of the work we've done in a bipartisan way to support nursing homes. But we need to keep looking out for our senior neighbors, and make sure they can maintain as much dignity and independence as possible. This bill helps them and I hope you will press your green light and support the motion on the floor. Thank you, Mr. Speaker.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is a very well-intended bill, and the spirit for which it was submitted is definitely a good one.

The good Representative from Westbrook is right—the personal allowance has not been raised in the last 30 years, however, the cost of medical care for our seniors in nursing homes and assisted living facilities certainly has. It has certainly outpaced the size and the increase in the social security checks that our seniors are getting. Therefore, the department, you the taxpayers, are picking up a much larger portion of the bill.

This comes with a fiscal note of \$1.5 million dollars. That means in a time when we are scraping to find money to adequately fund our nursing homes to keep them open, we are now going to require an extra \$1.5 million. If the department didn't raise its rates to accommodate the difference, that's going to be a \$1.5 million hit to the nursing homes' bottom line.

Everything that a person needs—needs, maybe not wants, but needs—is provided in the nursing home. It is all-inclusive. They do get to keep \$40 in a nursing home level of care. They get to keep \$70 in a residential assisted living facility level of care. Most of these help pay for their monthly hair appointments, and they do have a little left over. I would love to be able to pass this, however, I don't think it's appropriate at this time to burden the system any further with an additional \$1.5 million, and I believe we should not pass this bill at this time. Thank you.

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

Representative STUCKEY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I was excited to submit this legislation on behalf of last fall's Commission to Continue the Study of Long-Term Care Facilities. The Commission's vote on this recommendation, "Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-Term Care Facilities," was unanimous. The vote was unanimous.

And I'm proud to rise today, Mr. Speaker, in support of the Minority Ought to Pass as Amended report. I'd like begin by reading to you the Commission's recommendation, and I quote:

"Cost of care' is determined for all residents of nursing facilities or residential care facilities. The 'cost of care' is the monthly amount the resident is expected to contribute toward the cost of his or her care in the facility. However, the MaineCare Eligibility Manual provides that a resident of a nursing facility or residential care facility who receives MaineCare may receive a personal allowance from his or her personal income. Any income above the Personal Needs Allowance is applied to the cost of care.

The PNA is typically used for personal items and services such as television cable or telephone service, clothing, grooming, and newspaper subscriptions. Currently the PNA is for a resident in a nursing home facility is \$40 per month and for a resident in a residential care facility is \$70 a month. These amounts were last increased approximately 30 years ago. Although the PNA is not directly related to the commission's charge, as long term care facilities and the families of residents are financially pressured to do more with less, the commission feels strongly that an increase in the monthly PNA is long overdue.

The commission recommends that the personal needs allowance for persons residing in nursing facilities increase from the current \$40 to \$50 per month and persons residing in residential care, from \$70 to \$90." That's the quote from the commission's report.

People use their Personal Needs Allowance to pay for things like long distance telephone service, cable television, haircuts, clothes and shoes, special shampoo and hand creams. Residents who can still get up and out use this modest allowance to go out to lunch with their friends, go to movies, get an ice cream, visit a museum.

A resident who cannot get up or get out may authorize a family member or friend to use their PNA on her behalf, allowing and ensuring that funds meant for her are spent for her. Unexpended funds are escrowed, and subject to settlement.

Mr. Speaker, I want to tell you a story about a widowed woman living in a nursing facility in your district. Her name is Anna. She's about 80 years old. She was married for 45 years. She had a great career as an honest, hardworking homemaker.



She raised three children, and now she enjoys being a grandmother.

Anna's husband was a plumber. When he retired, they had \$80,000 in the bank. They lived on his Social Security, and dipped into their savings only in emergencies. Shortly after he died, Anna sold her house for \$200,000. She was 70 years old. She had \$260,000 in the bank. She moved in with her oldest daughter and her family, and lived pretty well on her Social Security survivor's benefits. Five years ago, Anna and her family reluctantly decided she needed more daily supports than her busy family could provide.

So they shopped around and found a combination assisted living and nursing facility nearby that they all liked. Anna moved in and began paying \$4,000 per month for her care. She entered the Medicaid spend-down twilight zone. A year ago, her age began to catch up with her and Anna moved over into the nursing part of the facility, at closer to \$9,000 per month.

Four months ago, all but \$2,000 of Anna's savings were gone. The only other liquid asset she has is the 2009 Chevy Impala in the parking lot that she'd really like to give to her grandson when he graduates from college in June.

For the last four months, her monthly Social Security check is the only source of income. It has gone to the states to help cover about a tenth of the cost of her care. Anna's Personal Needs Allowance is \$40 per month.

The stated opposition to this resolve on our committee was that we face a lot of tough budget choices this year, and that ending the waiting lists for services for people with disabilities is a higher priority than the goal of this resolve. The resolve's fiscal note is \$1.5 million a year.

Well, I actually agree with that. Moving folks with intellectual and physical disabilities off waiting lists for services IS a higher priority than increasing a grandmother's allowance to \$50 a month so she can put a \$10 bill in her grandson's birthday card.

But that's not our only choice. Men and Women of the House, please join me in voting to pass this resolve. Give the idea a chance to get to the Appropriations table where sometimes, at the end of the session, good ideas get a chance to come to life. These allowances have not been increased since 1985.

Mr. Speaker, this resolve could not be simpler, more overdue, or more simply the right thing to do. How we vote on this resolve reflects our values and our priorities. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House. Mr. Speaker, you know that I served eight years on Health and Human Services, two of them with you. And this is nothing new to me, this here nickel and dime stuff for our elderly.

And it's the same group every time it comes up that's against it. They don't have a problem with putting color TV's, medications, and three meals a day and a warm place to sleep for prisoners that's committed crimes against our society. When it comes to Nana who is left alone and Grandpa's gone, and she's in a nursing home, and they want to nickel and dime them to death.

This has been going on and this is my 13th year and I guess it'll never end. I fought like heck to get prescription drugs for the elderly; that went on and off and on and off, too. So I wish the people that are so against our elderly, where we have the largest population per capita in the country to stand up and start taking care of our elderly. Thank you very much, Mr. Speaker.

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

Representative **VACHON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I don't know about you but I think we all often times grapple with what to get our loved ones for a small gift, a small token of appreciation when we go to visit them in the nursing home.

I think what this bill has really shown to light is that we could all go in and give them a small little gift card—perhaps a pharmacy card so that they could go and buy a gift for their grandchild or buy a card. In the Health and Human Services Committee we are grappling every single day with how to fund the needs of the many people across the state that have really, really expensive needs.

I think that this bill is a question of needs versus wants, and I think this is an opportunity and a reminder of how we can help our loved ones in the nursing home in a very, very small way by giving them a small gift and token of love so that they can return it to us. Thank you.

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

Representative **HAMANN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, this bill is about doing what's right for our seniors. LD 90 simply provides a few extra bucks a month to the Personal Needs Allowance for a senior citizen living in a nursing or residential care facility.

Seniors use this tiny amount of money for personal needs—a haircut, a favorite hand cream, an ice cream, a ticket to a movie or a play or a museum. These are the creature comforts that make a person feel more human.

This Personal Needs Allowance has remained the same for three decades. Some members of this body weren't even born when this rate was set.

So I reject any suggestion that the state is not in a position to provide this funding for our senior citizens. The state was certainly in a position to accept their tax dollars from every paycheck throughout their career. We were certainly in a position to collect sales tax on the things they bought for their family over the years. And we were certainly in a position to accept their property taxes.

So today I am in a position to support the pending motion; let's give Maine seniors a little bit more comfort and TLC if they're living in a nursing or residential care facility. After a lifetime of paying taxes, they have earned it.

Mr. Speaker, this bill, this is a modest bill and it's about fairness. It's about dignity and it's about doing what's right for our seniors. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is the first time I'm standing before you speaking and I'm doing that because I find that this is very important.

As a nurse and a nurse practitioner, I've been in numerous nursing homes and a lot of these people are there alone. They don't have families to buy them gift cards, they don't have people to come by and help them out with a haircut and it is, to me, a matter of dignity and quality of life for our elderly. Everything in price has gone up exponentially in the last 30 years, so please think about our elders.

Think about that old woman down the road, or your grandmother, or someone that you can't get to and please give them a little bit of help. And that's all that this bill is doing so please vote green on this bill. Thank you very much, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. I rise a second time to tell you about Anna's friend Polly. Polly's also a widow. She's also 80 years old. She, too, was married for 45 years. She had a great career as an honest, hardworking homemaker. She raised three children, and now so enjoys being a grandmother.

Polly's husband was an investment banker. When he retired, they were millionaires. Together they sat down with a financial advisor and finished their planning for transferring their assets to their children and grandchildren. By the time he died, those transfers had been completed, and Polly still had a very healthy income stream. She, too, moved in with her daughter. Several years later, when Polly and her family decided she needed more daily supports than her busy family could provide, Polly was able to purchase the extra in-home support she needed to continue living with her family. A year ago, her age began to catch up with her, however. That's when she moved into the same nursing facility where Anna lived. Polly had no need for MaineCare, no asset test, no spend down. Polly just pays her monthly bill, and she does not rely on a Personal Needs Allowance.

A year ago, Anna and Polly didn't know each other. Now they're next door neighbors. They eat their meals together. They play cards and watch TV together. They get their hair done together. They go on occasional road trips together. They've become good friends.

Now that her monthly income is an allowance, and not a very big one, Anna has begun to worry she might not be able to afford to do all the things she's come to enjoy and count on in her small world. She's afraid that she'll have to give up some things, and worst of all, she's afraid she'll spend less time with her good friend. But not to worry, Mr. Speaker, I don't believe Polly will let that happen.

When Anna dies, her estate may not cover her end of life expenses, especially if she's already given her car to her grandson. There may be nothing but debt to inherit. On the other hand, when Polly dies, her estate will most certainly cover her end of life costs, and with a good deal left over to add to her children's and grandchildren's inheritance.

Mr. Speaker, I said earlier that I agreed this resolve is about choices. Not funding it because the folks with disabilities on waiting lists are more important, and we can't afford to do both is one choice. I don't buy the "we can't do both" part. Another choice is not funding the \$14 million Estate Tax proposed cut in LD 1019, using \$1.5 million to cover the annual cost of this resolve and leaving \$12.5 million to repair and restore other proposed cuts to services that help honest, hardworking, frail and vulnerable Mainers. That would be my choice, but this resolve isn't about me. I'm mindful of the admonition in today's prayer not to put ideology before people. And this resolve isn't about me, it's about Anna and Polly.

So please consider the third choice: pass the resolve, sending it to the Appropriations table, and let us hope for the best at the end. And I'm okay with that...sort of.

Men and Women of the House, if they were here today, how do you think Polly and Anna would vote? Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I didn't intend to stand up and speak on this issue. But before I ran, I visited nursing homes and I saw those patients that had no visitors.

What I would urge you, no matter what this outcome of this vote is today, and most likely it will not be paid for and it's a "feel good" bill to vote for it, and it either way it's a popular thing to be in favor. But what I'm saying is, after this vote, and after it doesn't get paid for in Appropriations, and you know it won't, because we're saying it's going to, it's not because we don't have the money, I would urge each and every one of you to take five minutes of your day and stop by and say "hi" to one of those elderly, because they need you to just talk to them. Some days they lay there all day long and don't have anybody.

That is worth more than money and it's better than anything you could do with your time. So I urge you, no matter how you vote on this issue, please take time when you go back home, go visit the nursing home. There's a lot of them have no families, and if they do, they don't visit them. So please, that's more than any money that you can spend. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising twice, but it is true what the good Representative Stuckey has been saying.

We do have to be concerned about Polly and Anna, but what about the Jims, the Joes, the Roberts, the individuals who are losing their homes in Calais and had to be moved miles away to Ellsworth to a new home. What about the folks from Pittson, when the nursing home closed there? Why? Because we haven't even kept up with the cost of paying for the care for these individuals in these homes.

Like I said, it is a good idea, it is a wonderful idea, it is a very generous idea. But it's \$1.5 million when we're struggling to keep these nursing homes open—to make sure they have a place where they are warm, where they are safe, where they are fed, where you know that they're getting the very important care they need. They do have a personal allowance and though it is not generous, it does cover haircuts once a month. It does cover the few extras.

Those who receive more in the assisted living centers are able to have a little extra money on hand to go on field trips. Folks are in the nursing homes. When they leave that nursing home, they're usually going out in the presence of family because the acuity level in our nursing homes is so high, they are certainly not going out on their own. And when family is there, then family is there to take them out, to treat them.

So, again, think about what this is actually costing us. The average social security check is anywhere between \$500 and \$800 a month—\$500 and \$800 a month. That, less \$40 is what they pay to their care. The rest of their bill can be upwards of five, seven thousand dollars a month, depending on if you're at the nursing home level of care or at the assisted living level of care.

The State of Maine and the taxpayers are picking up the rest of the bill. We are doing our part to ensure that they get quality care, that they are safe, and that they have the best that we can offer. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Members of the House, it truly is a statement that I will make that you will probably hear again, I really hadn't planned to speak on this item.

But, I need to tell, especially for the new members who are here, today is not the day of trying to decide what we're going to spend money for. It is the time for us to set priorities as to where

we'd like to have money spent in the future as we get to the end of the budget.

If we pass this today, what we will do, and get it to the Appropriations table at the end, it may well be that we can't do ten dollars, it may be that we can do five. On the other side of that coin, it may be that we can double that. It all depends on what the desire of the members of the Legislature are in terms of how much the funding could be and where it can be allocated.

So if you believe, if you believe that people in nursing homes should have a little more money to spend, then you'll vote "yes" on this bill. If you believe that you want to continue to starve them, then vote "no." It is that simple.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Mr. Speaker. I was not going to rise to talk on this today. I am a POA, I'm a POA, a Power of Attorney for my mother who is in this nursing home. And yes, it does help to help her have a haircut, or help her get a perm, or help her do all those things. Yes, it is part of it.

But, it also, remember that these people, due to their age, their teeth go on them. They need cleanings, they need dentists, they break teeth, they need eye care. These are not covered by this \$40; this is out of pocket. And, so what I do is I stockpile these \$40 that she gets every month so that I can eventually pay for her dentist bill, for her eye care, if I don't pay for it out of pocket.

Now, my mother's a very proud lady and she would gasp if she knew I was paying out of pocket. So, when she says, "But I have this money. Please use this money," I have to stockpile it before I can. So please remember that this is not just for haircut, this is for dentists, this is for eye care, this is for everything that that \$40 does not cover. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. I'm sorry to rise twice, but one of my colleagues across the aisle just said this was a "feel good" bill. She's dead wrong, it's a "feel bad" bill.

And another one of the young ladies across the aisle's talking about money and money, and then we have the good former Speaker over there that's talked about priorities. Well, let's let Appropriation's decide whether they can afford it. And let's let the Chief Executive Officer while watching television last night say that people of Maine, the Democrats don't get it, that we want to give the biggest tax cut going.

But let's take some of that money from that tax cut and take care of the people that turned around and raised families and worked hard, and they're left alone in a nursing home, and we're going to nickel and dime them to death.

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

**ROLL CALL NO. 26**

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Golden, Goode, Grant, Greenwood, Hamann, Hanington, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hobbins, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, Noon, Pierce T, Pouliot, Powers,

Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Verow, Ward, Warren, Welsh, Mr. Speaker.

NAY - Austin, Black, Chace, Crafts, Dillingham, Dunphy L, Edgcomb, Espling, Farrin, Gillway, Ginzler, Guerin, Hanley, Hawke, Hilliard, Hobart, Hymanson, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Reed, Sanderson, Sawicki, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Dunphy M, Fredette, Grohman, Hogan, Morrison. Yes, 97; No, 49; Absent, 5; Excused, 0.

97 having voted in the affirmative and 49 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-65) was READ** by the Clerk and **ADOPTED.** The Resolve was assigned for **SECOND READING** Tuesday, April 21, 2015.

The SPEAKER: Prior to taking up the next Divided Report, the Chair would like to remind all members to focus on the substance of the motion before the body, to not speculate or question the motives of other members, to address the Chair in debate, and to address other members as "The Representative."

At this point, the Chair reminded all members to stay as close as possible to the pending question, that it was inappropriate to question the motives of other members of the House, to address their comments toward the Speaker and refer to other members as Representatives.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-68)** on Bill "An Act To Help Municipalities Prepare for Changes in Sea Level"

(H.P. 274) (L.D. 408)

Signed:

Senators:

LIBBY of Androscoggin  
WOODSOME of York

Representatives:

MARTIN of Sinclair  
BABBIDGE of Kennebunk  
BEEBE-CENTER of Rockland  
BRYANT of Windham  
DOORE of Augusta  
EVANGELOS of Friendship

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

Signed:

Senator:

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales  
PICKETT of Dixfield  
TUPELL of East Machias  
TURNER of Burlington

**READ.**

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority Ought to Pass as Amended 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, I stand today in support of LD 408 and as we initiate this conversation I'd like to say a few things about sea level change.

In Portland Harbor, over the last century, they've had a tide gauge there and they've been measuring the level of the seawater in Portland Harbor, and it's steadily increased. There's no disputing that. We've got over a hundred years' worth of data. And if you kind of look around your desk today, you may find that data. And you can look at it.

What does that result in? How does that affect us? Two ways: we get higher tides, we also get increased storm surge. And these are damaging our coastal areas.

The second thing I'd like to mention is that over the last several decades, models have been developed, predictive models, for sea level change. These models are highly respected and are used by agencies such as FEMA and Homeland Security. And these models can help us as we prepare and go into the future. And I compare these models to those predictive models that are used by weathermen. Now, how many people this morning got up and checked the weather? Probably most of us. Yeah, I would imagine so. Those weather predictions are based on models. Are they right all the time? No, they're predictive; no one can see in the future. But, they are highly predictable. Thank you very much, Mr. Speaker. I appreciate it.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative RYKERSON: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of this motion. The National Oceanic and Atmospheric Administration, the Federal Emergency Management Agency, the Army Corps of Engineers, the Department of Homeland Security, the Maine Department of Environmental Protection, the Maine Emergency Management Agency, the Maine Geological Survey have all issued warnings to Maine.

The state is at risk from the dangers of sea level rise. The Gulf of Maine is warming and rising much faster than most of the earth's oceans. The hundred year storm that now happens every five years is imminent. Our infrastructure, transportation, homes, businesses and the very fabric of our communities is in danger.

So what to do? This bill merely suggests that when municipalities adopt or revise their comprehensive plans, they are aware of the future risks from rising seas and that the state growth management plan would also include the dangers of sea level rise. This small step could save our state billions of dollars and probably save lives in the coming decades.

Here's just a small example of the direction we have to go. Communities have often planned and built their sewage treatment plants at the low topography because we all know that sewage runs downhill. When sea level rises and sewage mixes with flooding, it is a nasty cocktail. With data collection and computer modeling, it is increasingly easy to find our vulnerable points to plan the future.

There is no fiscal impact to this bill, no mandate, only wise planning to minimize danger from flooding and erosion. I urge you to vote yes on this motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Foley.

Representative FOLEY: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise to support LD 408. I've lived on the coast of Maine and I've seen many changes. Whether you believe in sea level rise, climate change, or any other natural changes, it is important for communities to take into consideration and prepare for any potential changes that may impact the coastal communities.

This bill does not mandate any action by any community. It only recommends that in the planning process, a consideration of the potential for sea level change be made. The best possible scenario would be that we plan for these potential changes and it never happens. The worst case scenario would be that we don't plan and it does.

This isn't a legislative mandate, but a cautionary recommendation. I had the unfortunate or fortunate circumstances to visit the New Jersey shore after Hurricane Sandy to visit communities to see the devastation and to see how communities could prepare for these sort of devastating storms. Those communities that prepared for the storm before and after survived fairly well. Those that did not plan did not survive very well, and we, the citizens of this country are paying \$58 billion to try to get them back. I'd say this is certainly a modest step in the right direction and I urge you to vote "yes." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative DeCHANT: Thank you, Mr. Speaker, Women and Men of the House, I rise in support of the motion. And to rise and to add my voice as a Representative of City of Bath which is located on the beautiful Kennebec River, is tidal, and we have businesses along the river.

And when there is a storm surge and high tide, our Kennebec Tavern, which has lovely outdoor seating, I invite you all to visit, is flooded out. This completely cannot operate. So this is a way that they've had to deal with this as a cost of operation and the cost of doing business. But it's getting worse and worse and the opportunity and the avenue in which to get insurance is becoming nearly impossible and is a cost burden for that company.

A couple hundred feet down river is a mixed use building which is going to certainly face the same challenges. And then another couple hundred feet down is our waterfront park. So, we really want to pay attention to this and need the support in which this bill provides. Thank you.

Representative ESPLING of New Gloucester REQUESTED a roll call on the motion to **ACCEPT** the Majority Ought to Pass as Amended Report.

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

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

Representative KRUGER: Thank you, Mr. Speaker, Women and Men of the House, I rise in strong support of LD 408. I represent six of the 140 towns on the coastline of our great state. I also like to think that I represent the voices of common sense that say they believe that old pearl, "Chance favors the prepared mind."

I believe that anything that this Legislature can do to help our towns prepare for rising sea levels is an effort well invested. Please join me in supporting this sensible legislation.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative BABBIDGE: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm a member of the State and Local Government Committee and this gave me an opportunity to

actually do a little bit of research that I wouldn't have ordinarily done.

And I was astounded to read article after article about the melting of the Antarctic ice sheet, about Greenland, about Alaska, about a 26 island country in the Indian Ocean called the Maldives—actually it's a jet set vacation place of late. But you'd better book your plans quickly because the Prime Minister of that country has actually initiated a plan to relocate the third of a million people that live there because of their difficulties with rising sea level. St. Mark's Square in Venice is under water 150 days a year.

So, there's observable evidence of what we might call "sea level rise." But, I taught in the classroom for almost 40 years—history and government. And, one of the things that we discussed was the British Empire's search for a commercial route to the Orient, the Northwest Passage. And, it was interesting to read recently that Canada, in 2000, projected that the Northwest, that the ice sheet North of Canada would have no reasonable, measurable commercial use for at least a quarter century.

Well, in 2007, in August, for the first time, the ice allowed passage through. And then the following year in that August it did it again. And in 2009, for the first time, commercial ships could pass through North of Canada. It's actually created a buzz in commercial shipping, as an alternative to the Panama Canal, Canada is racing to establish sovereignty rights over this new commercial route, and there are a lot of implications there.

I'm just saying that the observable evidence of sea level rise is all around us. I drive a trolley in the summer time at Kennebunk Beach, and in Kennebunkport, and I go by three of the four Kennebunk beaches every day. And we have had some major storms down there, and we've lost a lot of sand. Sometimes a portion of that sand has come back. And it was interesting to serve here and talk to scientists that explained to me that off the coast of our shores are sand bars, submerged sand bars. And that during most storms, sand will be brought out to those sand bars and in successive storms, the sand will often be brought back.

But when we have a really severe storm, that sand often is brought beyond those sand bars, and then because of the depth and the kind of action of the currents and so forth, that sand is lost forever. That is something that has been measurable for me just in my short time of having daily summer exposure at least to the Kennebunk beaches.

The frequency and severity of our storms makes living on the coast much more dangerous during storm surges. And certainly we've seen that. I've often wondered what does our future hold for, you know, the Maine emergency management group, and nationally of course, what are those national expenses, what kind of expenses do we have in our future.

It's also been fascinating to me that the dangers of sea level rise have been acknowledged in the planning of the Department of Defense and Homeland Security. So, a lot of people are taking this very seriously. Now, what I want to just bring to your attention is that this particular bill is merely an opportunity. And I thank the person for bringing it forward for all of us that live anywhere near the coast.

I would like to draw your attention to the words that this allows communities to consider the changes in sea level on buildings, transportation infrastructures, sewage treatment facilities, and so forth. And they may develop a coordinated plan for addressing the impacts of sea level. In other words, there's two or three or four communities on the coast that have done work. Comprehensive plans, which I have served on is a voluntary process. This bill allows municipalities that choose to do a comprehensive plan to, if they want to, include the investigation

of changes in sea level on the future infrastructure of their municipality.

So, it is not a directive. It is permissive. It is an opportunity. And I urge you to pass this bill. Thank you.

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise today in opposition of this motion. It's not that I am opposed to towns planning for the sea level, I think that it an individual choice that each town, that they need to make that decision. But the good folks back home in my district sent me down here to write policy and to make laws when necessary.

And this bill is not a mandate today. It was originally, but it isn't today. And, all it is doing is absolutely may include, encourage, encourage. Towns don't need the State of Maine to pass a law to tell them that they are encouraged to plan for sea level. So, they can do this already without doing that, so Men and Women, I hope you'll vote down this motion and thank you very much, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I was born to a quilter, so forgive me when I remind you that a stitch in time does in fact save nine.

I live on Munjoy Hill, which is, oh wait, a hill, so the chances of me being flooded in my house are pretty slim to none. That said, businesses in my district have been flooded on Commercial Street, and it's starting to flood on a more frequent basis, which causes me some serious concern. The insurance costs for our downtown district are going to start rising as a direct result of the sea level rising, and I think it's time for the state to really recognize that this is happening. It's not this idea that it might happen, it already has. And as the good Representative from Kennebunk pointed out, the CIA, the Pentagon, the Navy have already started creating contingency plans around that dangerous phrase "climate change" and I think it's time for our state to get ahead of that issue. You'll hear that phrase a lot with me, "getting ahead of that issue."

The sooner we can plan for this, the more we can mitigate the risks associated with it. Our job is to get ahead of issues, to plan ahead for not just the next generation, but for the seventh generation, and I think this is a good start to get us there. So, I will be voting in favor of the pending motion.

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

Representative **BLUME**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to ask for your support of the current motion. I would like to speak to the very important aspect of this bill, is that it adds, "consideration of sea level changes to the state's planning goals in its growth management act, and thereby encourages effective municipalities to incorporate such consideration in their comprehensive plans."

This sets as a goal of the state, it's good public policy. It also adds addressing "sea level changes and its effects in the coastal zone as part of Maine's coastal management policy." Again, it's about policy and leadership. Planning ahead for this measurable trending threat to the economy, infrastructure, and safety of our 140 coastal towns and cities makes good public policy and this bill helps set this prudent goal in statute.

From Kittery to Lubec, we have a winding 5,600 miles of world-famous shore in Maine, which nurtures much, including our fisheries and tourism—strong economic engines of this great

state. We need to engage as many minds as we can to protect what we value and this bill helps achieve that goal. Thirty nine town have or are in the process of working with the state's resources to address sea level change, and can serve as models for other towns.

The committee and I worked very hard to prevent this bill from being burdensome to any town, but while still providing guidance. This bill as amended does not tell towns what to do about these effects of sea level change. It does not address the causes of sea level change. It does not make any mandate whatsoever. And it also does not have a fiscal note of any consequence. What it does do is recognize that the sea level changes over time, and the effects of sea level change are an important environmental, fiscal, and public safety issue for Maine and all its coastal communities. It's important to plan ahead before there's a crisis. I urge you to support LD 408 as amended. Thank you so much for your consideration of support.

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

Representative TUELL: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this bill, to this amendment, this quasi-mandate. Whether you want to call it that is just a matter of how you wordsmith the English language.

I firmly believe in local control, that is why I got here to be quite frank. It's why I'm here today, and I think this bill totally flies in the face of local control. As was mentioned earlier, it was noted earlier in previous testimony that sewage runs downhill. May I say legislation, like sewage, sometimes runs downhill. And this is that type of legislation. I forgive...

The SPEAKER: The Representative will defer. The Chair would remind the Representative to address the Chair and refrain from making comments that are questioning the integrity and intent of other members or the outcome of the legislation.

The Chair reminded Representative TUELL of East Machias to address his comments toward the Speaker and that it was inappropriate to question the motives of other members of the House or outcome of legislation.

The SPEAKER: The Representative may proceed.

Representative TUELL: Thank you, Mr. Speaker, and I certainly apologize for, I'm focused on the legislation and I will say that this legislation is a bad deal. It's bad for towns that may or may not, may not want to go down this road. And encouragement is a back door mandate.

Many of these encouragements, years down the road, turn into requirements, and edicts, and they do roll downhill like snowballs that are out of control. And I would strongly encourage everyone to think long and hard the next time you hear in your own community about local control. This is the type of stuff, why people there are saying what they're saying. This is bills like this and others, and it's certainly no ill reflection on the sponsor or anybody else, Mr. Speaker, it's a philosophical issue. And I would thank you for this opportunity and I would remind everyone that towns can already do this if they so choose without this bill. It's coming from the ground up, not the top down, and that's where it's a matter of your philosophy, plain and simply put. Thank you.

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

**ROLL CALL NO. 27**

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant,

Devin, Dion, Doore, Duchesne, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Hamann, Hanington, Harlow, Herbig, Hickman, Hobbins, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Vachon, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Gerrish, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Dunphy M, Fredette, Grohman, Hogan, Lyford, Morrison.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-68) was READ by the Clerk and ADOPTED. The Bill was assigned for SECOND READING Tuesday, April 21, 2015.

Majority Report of the Committee on TAXATION reporting Ought Not to Pass on Bill "An Act To Enhance the Creative Economy by Providing a Sales Tax Exemption to Incorporated Nonprofit Performing Arts Organizations"

(H.P. 216) (L.D. 322)

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

BICKFORD of Auburn

CHACE of Durham

RUSSELL of Portland

SEAVEY of Kennebunkport

SKOLFIELD of Weld

STANLEY of Medway

Minority Report of the same Committee reporting Ought to Pass as Amended by Committee Amendment "A" (H-72) on same Bill.

Signed:

Representatives:

MOONEN of Portland

SUKEFORTH of Appleton

TEPLER of Topsham

READ.

Representative GOODE of Bangor moved that the House ACCEPT the Majority Ought Not to Pass Report.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative DeCHANT: Thank you, Mr. Speaker, Ladies, Women, Men and Gentlemen of the House, I rise in opposition of this motion, and I would like to speak to my motion, so I will.

I'd like to thank the three legislators on the taxation committee who voted in favor of the motion that was to create a sales tax exemption for nonprofit performing arts centers. It is, I appreciate the acknowledgment of the inequity that currently exists. If you are a starving artist who paints, or if you're a starving artist who has an arts center, a cultural center, you have a sales tax exemption. If you're a starving artist who danced, who is in the theater, or performs music in the performing arts center, there is no sales tax exemption.

We are told that it is bad timing. We are told that the Governor's going to veto it. We are told that it interferes with the complexity of the tax structure. I submit to you that the making this an equitable gesture is a modest investment that would take and it would have a huge impact.

In my other life, I am the Executive Director of The Chocolate Church Arts Center in Bath, I encourage you all to attend one of our shows, and this past year in 2014 we replaced the furnace, we went from oil to gas and we bought a copier. All of those, both of those gestures were done with grant funding because I'm telling you, there's no fat on the bone, be able to afford these sort of things. But every step that we took and every vendor that we encountered always asked us for our sales tax exempt number. And that number, that modest amount, would make a huge difference at our organization and I know for certain for performing arts centers across the state.

So, meanwhile, while we're told that this is not good timing and that it's messing up with the tax plans, meanwhile we continue, the performing arts centers in Maine, continue to enrich your communities. We provide the first exposure to theater for many children because many of those programs are cut from the public school systems. We are staging shows with talent of musicians and dancers and theater actors that rival the talent that you could pay three, four times amount for a ticket in a different market. We are fostering creative problem solving as we encourage engagement into some of our programs, and carving out time for music, dance and theater.

So, also in our spare time at performing arts centers, we're bringing money into your community. People come to our shows, they have dinner. People come to our shows, they go shopping. People come to our shows, they go dinner, shopping, and spend the night. So the idea that this is an inconvenient consideration for Taxation is really more of a policy decision on how do you create an equitable experience among the cultural arts part of it. So, Mr. Speaker, I request a roll call, and for those folks who maybe are inclined to vote against this equity, I encourage you to open up your check books and write a check to your local nonprofit performing arts center.

The same Representative 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 Bangor, Representative Goode.

Representative GOODE: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I just wanted to rise and perhaps explain my perspective and the perspective of many of those in the Ought Not to Pass report. The Representative from Bath, Representative DeChant, has given a very good explanation of her perspective on the bill and I felt like it was

helpful to just explain the 10 members who are on the Ought Not to Pass Report, what some of their thinking was.

I'd first like just to acknowledge that, after hearing the Representative from Belfast's comments, or Bath's comments, Representative from Bath, Representative DeChant, I myself know people who work in the performing arts, know that it's hard to vote against something that is a part of the economy that you care about. But, considered this twice in my terms on the committee and, you know, I also work part time at a school know that there's problems with the hungry children in our state, see major unmet healthcare needs in my other world as a social worker, and I've heard concerns from constituents about property taxes consistently from my terms in the House, and really have felt like in my tenure on the Tax Committee that we already have far too many tax exemptions, tax credits, and tax deductions.

There is a process right now around tax reform, but that's not, you know, my exact reason for being opposed to this. I feel like when we think through what we want to prioritize in our budget, and what we want to prioritize state spending, whether it's direct spending or back door spending through the tax code, this doesn't rise to the level of some of the things that I see every day. And I know that it's hard to vote against the arts. I, myself, know people who work in the arts and who care about them, and I, myself care about the arts, but there's just a lot of other items that are high priority in me, so I didn't feel like it was appropriate to vote for it at this stage in the game. I'm happy to help answer questions if anybody has any, and look forward to any other debate.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative HICKMAN: Thank you Mr. Speaker, I rise to oppose the pending motion. I would be remiss if I did not, as the Vice President of the board of the Theater at Monmouth, which does great theater. I appreciate that the Representative from Bath has put forth this bill again this session, and I wholeheartedly concur with her that if one is inclined not to understand how powerful performing arts are in their communities, that they write a check to their performing arts centers in their communities. Thank you, Mr. Speaker.

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. 28

YEA - Alley, Austin, Battle, Beavers, Beck, Beebe-Center, Black, Buckland, Campbell J, Chace, Corey, Crafts, Davitt, Dillingham, Dion, Duchesne, Dunphy L, Edgecomb, Espling, Farrin, Foley, Frey, Gattine, Gerrish, Gilbert, Gillway, Ginzler, Golden, Goode, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McElwee, McLean, Melaragno, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Prescott, Reed, Rotundo, Russell, Sanborn, Sanderson, Sawicki, Seavey, Shaw, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood, Mr. Speaker.

NAY - Babbidge, Bates, Bickford, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Doore, Evangelos, Farnsworth, Fecteau, Fowle, Gideon, Grant, Hamann, Harlow, Hickman, Hobbins, Hymanson, Jorgensen, Kornfield, McCreight, Monaghan, Moonen, Noon,



Powers, Rykerson, Saucier, Schneck, Sherman, Short, Stuckey, Sukeforth, Tepler, Tucker, Verow, Warren, Welsh.

ABSENT - Campbell R, Dunphy M, Fredette, Grohman, Hogan, Morrison, Pouliot.

Yes, 99; No, 45; Absent, 7; Excused, 0.

99 having voted in the affirmative and 45 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 157) (L.D. 428) Bill "An Act To Amend the Powers and Duties of the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 176) (L.D. 447) Bill "An Act To Repeal Outdated Statutory Sections Relating to Regional Ride Share Programs" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 197) (L.D. 528) Bill "An Act To Amend the Laws Regarding the Maine Organ and Tissue Donation Fund" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 30) (L.D. 82) Bill "An Act Concerning the Salary of Elected Sheriffs" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-25)**

(S.P. 35) (L.D. 98) Bill "An Act Amending the Trap Limit for the Swans Island Lobster Conservation Area" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-24)**

(S.P. 84) (L.D. 215) Bill "An Act To Improve Student Retention in Maine's Postsecondary Institutions" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-21)**

(S.P. 126) (L.D. 311) Bill "An Act To Improve Attendance at Public Elementary Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-22)**

(S.P. 202) (L.D. 586) Bill "An Act To Amend the Maine Economic Development Venture Capital Revolving Investment Program" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-26)**

(S.P. 246) (L.D. 688) Bill "An Act To Amend the Laws Related to the Bolduc Correctional Facility" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-23)**

(H.P. 244) (L.D. 357) Resolve, To Study Options for a State Demand Response Program Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)**

(H.P. 558) (L.D. 824) Bill "An Act Regarding Ethanol Motor Fuel" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-74)**

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

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 133) (L.D. 350) Bill "An Act To Expedite MaineCare Payments for School Administrative Units" (C. "A" S-16)

(S.P. 138) (L.D. 370) Bill "An Act To Amend the Lobbyist Disclosure Procedures Law" (C. "A" S-14)

(S.P. 184) (L.D. 455) Bill "An Act To Prohibit Deceptive Practices Regarding Unsolicited Loans" (C. "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" (C. "A" S-18)

(H.P. 481) (L.D. 705) Bill "An Act Relating to Insurance Licensing"

(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)

(H.P. 6) (L.D. 3) Bill "An Act To Ensure Consistent Certification of Graduation Standards in Publicly Funded Secondary Schools" (EMERGENCY) (C. "A" H-70)

(H.P. 82) (L.D. 110) Bill "An Act To Designate Maple Syrup as the Official State Sweetener" (C. "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) (C. "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" (C. "A" H-73)

(H.P. 287) (L.D. 420) Bill "An Act To Amend the Law Regarding Filing Fees for Proposed Transmission Line Projects" (C. "A" H-71)

(H.P. 301) (L.D. 462) Bill "An Act To Clarify Rulemaking for Transportation of Public School Students" (C. "A" H-62)

(H.P. 392) (L.D. 568) Bill "An Act To Protect Maine Lakes" (C. "A" H-66)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **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.

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

**BILLS IN THE SECOND READING**

**Senate as Amended**

Bill "An Act To Amend the Health Care Practitioner Transparency Requirements"

(S.P. 190) (L.D. 521)  
(C. "A" S-19)

**House**

Resolve, To Study the Impact of Winter Ticks on the State's Moose Population

(H.P. 92) (L.D. 134)

Bill "An Act To Protect the Environment from Fireworks Debris"

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



**House as Amended**

Bill "An Act To Remove Crossbows from the Restriction on Discharging Weapons near Buildings"

(H.P. 193) (L.D. 275)  
(C. "A" H-61)

Bill "An Act To Improve Science and Engineering Education for Maine's Students"

(H.P. 303) (L.D. 464)  
(C. "A" H-43)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED or PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act To Amend the Law Regarding Commercial Learner's Permits

(H.P. 354) (L.D. 515)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out Bag from Tax

(S.P. 206) (L.D. 590)  
(C. "A" S-15)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, To Create a License Plate To Recognize the Centennial of the United States Navy Reserve

(S.P. 98) (L.D. 260)  
(C. "A" S-11)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act Regarding Emergency Lights on a Vehicle Used by a Member of a Municipal or Volunteer Fire or Emergency Medical Services Department

(H.P. 35) (L.D. 37)  
(C. "A" H-29)

An Act To Reduce Tobacco Use Surcharges in Small Group and Individual Health Insurance Products

(H.P. 93) (L.D. 135)  
(C. "A" H-26)

An Act To Ensure the Safety of Public Service Vehicles

(S.P. 71) (L.D. 196)  
(C. "A" S-12)

An Act To Enable Seniors To Remain in Their Homes

(S.P. 87) (L.D. 249)  
(C. "A" S-10)

An Act To Amend the Requirement of When Headlights Must Be Used

(S.P. 102) (L.D. 288)

An Act To Require Political Action Committees To Report the Receipt of Paid Services Received from State Agencies

(S.P. 113) (L.D. 298)

An Act To Repeal Outdated Agricultural Aviation Laws

(S.P. 196) (L.D. 527)

An Act To Amend the Brunswick Sewer District Charter

(S.P. 243) (L.D. 650)

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

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**Resolves**

Resolve, To Provide Funding to the Department of Transportation To Complete a Service Plan for the Development of Passenger Rail Service to Lewiston and Auburn

(H.P. 217) (L.D. 323)  
(C. "A" H-28)

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

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 14, 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 License Outpatient Surgical Abortion Facilities"  
(H.P. 890) (L.D. 1312)

(Committee on **JUDICIARY** suggested)

TABLED - April 9, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **REFERENCE**.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I do object to this being sent to, referenced to, the Judiciary Committee. This bill deals solely with the licensing of a medical facility. That is under the jurisdiction of the Department of Health and Human Services, and the Division of License and Regulatory Services, not the courts. Thank you.

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

**CONSENT CALENDAR  
First Day**

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

(S.P. 164) (L.D. 435) Bill "An Act To Extend the Protection of Municipal Shellfish Conservation Programs" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-40)**

On motion of Representative KUMIEGA of Deer Isle, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. Committee Amendment "A" (S-40) was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-40)** in concurrence.

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Provide Additional Oversight over the Management of the Department of Health and Human Services"

(H.P. 245) (L.D. 358)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
HYMANSON of York  
PETERSON of Rumford  
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea  
VACHON of Scarborough

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative ESPLING of New Gloucester **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 Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the origin of this particular bill comes out of my experience last session as chair of the Health and Human Services Committee. We found that with turnover, the ability for the committee to get to know new people that are coming in, and likewise for them to get to know the committee, was extremely stressed, and that it would've been much more valuable in terms of developing a working relationship in order to have a preliminary opportunity to at least talk to folks and sort of find out where they are, what their qualifications are, and likewise for them to find out how to work with us.

So, given the fact that within the Department of Health and Human Services there is only one person that has ever gone through the confirmation process, and that is the Commissioner. And that, we're looking at three individuals. One would be the Director of the CDC, which is basically a public health function for the department, has great impact on the state. Number two would be the superintendents of the two institutions that we have left in the state that deal with our most challenging population.

And it's my feeling that the committee should have some responsibility in terms of vetting these individuals to make sure that we have the right people in the right place at the right time. It has no reflection on the current occupants of these positions, it is merely taking a look at the long term picture in terms of making sure that we do the best job that we can for the citizens of the state. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I urge you to vote against this motion. This is nothing but more than micromanaging the department. This is the Executive Branch's duty to be able to provide the commissioner level, and then have them be able to choose the individuals who they would put in leaderships positions below them. We're taking away their ability to do that, and I really don't think that's our place. Thank you.

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. 29**

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

**NAY** - Austin, Battle, Bickford, Black, Buckland, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner,

Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Dunphy M, Fredette, Grohman, Hogan, Morrison.

Yes, 76; No, 69; Absent, 6; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, April 21, 2015.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Exempt Certain Capital Expenditures from the Maine Certificate of Need Act of 2002"

(H.P. 39) (L.D. 45)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
HYMANSON of York  
PETERSON of Rumford  
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea  
VACHON of Scarborough

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Men and Women of the House, Certificate of Need law in Maine is important because it provides a public process and checks and balances that prevent excess healthcare capacity—capacity that actually drives up both the utilization of healthcare services and healthcare costs.

Maine's overall healthcare costs are already higher than the national average and excess infrastructure is a major contributor to the high healthcare costs in Maine and across the country. A strong and balanced Certificate of Need program is vital to continue to guide the state's healthcare providers and ensure that we have the right infrastructure in the right places to meet the healthcare needs of the people of Maine at the lowest cost. The Certificate of Need process simply ensures that before we make

major decisions about investing in healthcare infrastructure we go through a process that includes public input, and hopefully leads to sensible decisions. CON law assures a necessary level of fairness in the system.

Today, Maine's hospitals and nursing homes, which are subject to this act, are safety nets for our communities. Hospitals in Maine are required to provide free care to those without insurance; other healthcare providers are not. Hospitals are required to take all payers; other providers are not. Hospitals are required to staff emergency rooms; other providers are not. They balance their financial equations by providing a wide variety of services. Some of these services cover their cost, and some do not. Removing the Certificate of Need process would allow specialty providers to take the cream off the top by only providing services that are profitable. Allowing this would significantly weaken the overall delivery of services in Maine and lead to a two tiered healthcare system.

LD 45 proposes to exempt expenditures from certificate of need that do not increase healthcare costs to MaineCare. It ignores the fact that Maine's healthcare costs are among the highest in the nation. CON process exists to prevent escalation of the costs. So, we need to look at the overall cost of healthcare in Maine if we're going to grow Maine's economy, bring new businesses into Maine, and enable our current employers, small and large, to compete on a national and worldwide platform. Repealing the Certificate of Need law would drive up healthcare costs in our state and I, therefore, urge you that you support the motion on the floor. Thank you, Mr. Speaker.

Representative ESPLING of New Gloucester **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 Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, good afternoon. A Certificate of Need, otherwise known as CON, is required by the Maine Department of Health and Human Services when an existing or planned health care facility is making a substantial investment in new plant or equipment, or is being bought or sold. The CON process is a lengthy and costly one for the facility that is applying to the Department, and sometimes for its competitors. While this process was improved and the financial thresholds were raised by the 125th Legislature, the unnecessary costs to health care institutions remain substantial in terms of dollars and management time. Furthermore, the lack of competition that the CON process inhibits raises the cost of healthcare for all Maine consumers. A recent national survey indicated that states which have a CON process on average have 11 percent higher costs than states without.

The history of CON is a spotty one. At the Federal level, the CON law was enacted in 1974, and repealed in 1982, as the federal government acknowledged the inability of the CON process to reduce or control health care costs. Maine adopted a CON law in 1977 and revised it in 2002, and raised the financial limits in 2011.

The bill before you does not seek to end the CON process, rather its aim is to allow for new physical plant investment in Maine, provided that such investment does not lead to increased overall MaineCare costs. It is at its heart a very simple bill, merely one sentence long, yet the consequences of its enactment could be quite complex and far reaching. Much of the discussion, and the people in favor of the motion before us,

centered around the consequences to our nonprofit hospitals and nursing homes of unbridled competition. Competitors who are not constrained by Maines laws which require our nonprofits to take all comers, regardless of ability to pay. Many would argue that the motion that I support poses a threat to those institutions upon which we currently rely on.

But I feel the question before you is quite simple. By what authority does the state have the right to limit investments made in healthcare when those investments have no impact on aggregate Maine state spending or indeed lowers costs? When a Maine hospital proposes an expansion to address aging infrastructure and deal with increased demand, should the state limit the size of the expansion? Should the state require a CON when one hospital forms a strategic affiliation with another? Should for-profit entities that would like to expand into Maine be allowed to make the investment in physical plant when they have little or no interest in serving our MaineCare population?

Limiting the supply of healthcare investment is contrary to the basic principles of the law of supply and demand. This bill would allow for new, low cost competitor to enter the Maine medical marketplace and in so doing create a more competitive environment. The healthcare delivery system is often referred to as being supported by a three legged stool: those legs being price, quality and access. Each of the legs must be in balance for the proper functioning of the system, indeed for the stool to stand. Our present system has masked true costs in the name of access, and frequently hides quality data while limiting access. Permitting new competitors will enhance all three legs of the stool!

Historically the healthcare industry has been immune to the notion of price competition. Removing the CON requirement for these investments cited in this bill will enable the health care industry to begin to be subject to the discipline of the market place. By enacting my motion, or by shooting down this motion you are: removing barriers to entry, removing unnecessary costs, avoiding delays, promoting competition, fostering innovation, and increasing access.

Enacting this bill is not a panacea which will "fix" the healthcare delivery system. It is however a worthwhile "piece" of the puzzle that will enable the market place to begin to exert downward price pressure on our health care system by fostering competition, increasing access and lowering costs.

As an individual who has served on a hospital board, I can fully appreciate that some institutions feel threatened by the proposed legislation. I also recognize that the CON process has been aggressively used by some institutions to stifle competition. It is my hope that increased competition-competition based on quality, price, access and improved outcomes will be recognized as the desired goal of both this Legislature and all Maine Health Care Institutions.

I respectfully ask that you vote Ought Not to Pass on the pending motion. Thank you, Mr. Speaker.

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

Representative **POULIOT**: Thank you, Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **POULIOT**: I represent the newest, most modern hospital built in the state, MaineGeneral. It was recently complete at cost of \$312 million. Through the CON process, they had to scale back significantly on the capacity, or the size, of the facility that they could build.

I get calls from constituents almost monthly saying that they're turned away or have to go elsewhere because there's not enough beds at the hospital for them to stay there. Some of

these are really heart-wrenching stories. And so, I'm just wondering if we go Ought Not to Pass on this, or which way it would be that we could potentially allow for the hospital to have more space, if anyone would care to answer. Thanks.

The SPEAKER: The Representative from Augusta, Representative Pouliot, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I was not prepared to speak on this. But, I would, as a physician and someone who has admitted, treated, and discharged patients from hospitals in the State of Maine, I'm very aware of what I call, forgive me, "the constipation in hospitals" now.

Meaning that, it's very difficult sometimes to discharge patients because there aren't places to discharge them. So, I would ask you to consider that it's not the hospital bed number, it's the lack of facilities to discharge people who have severe and persistent mental illness, who have dementia with confusion and behavioral problems, who are stuck in hospitals because there is no proper discharge. In Health and Human Services, we have been talking about this with many stakeholders over the course of this session, trying to find answers to this, so I would argue that it's not the bed number, it's the post-hospital care placement. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to answer the question from the Representative from Augusta, Representative Pouliot. The issues associated with that new hospital tend to be that they were not allowed to build as much as they chose to build. The state, under the Certificate of Need process, limited the degree, the number of floors that they could build to. So, to be very frank, this bill does not address that issue. This bill would only address the issue if that hospital had no impact on net MaineCare cost. That would be another bill entirely, so in a sense that question's not germane and I thank you.

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. 30

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

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield,

Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.  
ABSENT - Campbell R, Dunphy M, Fredette, Hogan, Morrison.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

present I would've voted yea. In reference to roll call number 22 on LD 413, had I been present I would've voted yea. Thank you.

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

On motion of Representative TEPLER of Topsham, the House adjourned at 12:50 p.m., until 10:00 a.m., Tuesday, April 21, 2015, pursuant to the Joint Order (S.P. 488) and in honor and lasting tribute to the victims of the Holocaust.

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### SENATE PAPERS

The following Joint Order: (S.P. 488)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, April 21, 2015 at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

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Bill "An Act To Enact the Preservation of Religious Freedom Act"

(S.P. 485) (L.D. 1340)

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

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

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Bill "An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption"

(S.P. 487) (L.D. 1341)

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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### ENACTORS Emergency Measure

An Act To Extend the Protection of Municipal Shellfish Conservation Programs

(S.P. 164) (L.D. 435)

(C. "A" S-40)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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The **SPEAKER**: The Chair recognizes the Representative from Beals, Representative Alley, who wishes to address the House on the record.

Representative **ALLEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to roll call number 17 on LD 336, had I been present I would've voted yea. In reference to roll call number 18 on LD 239, had I been present I would've voted yea. In reference to roll call number 19 on LD 127, had I been present I would've voted yea. In reference to roll call number 20 on LD 237, had I been present I would've voted yea. In reference to roll call number 21 on LD 298, had I been