

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
33rd Legislative Day
Tuesday, April 21, 2015

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

Prayer by Honorable Michael D. McClellan, Raymond.
National Anthem by Nancy Neubert, Lebanon.
Pledge of Allegiance.
Doctor of the day, Henk Goorhuis, M.D., Auburn.
The Journal of April 16, 2015 was read and approved.

SENATE PAPERS

Bill "An Act To Affirm the Obligation To Support One's Children"

(S.P. 471) (L.D. 1306)

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

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

Non-Concurrent Matter

Bill "An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy"

(H.P. 171) (L.D. 239)

Minority (4) **OUGHT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 14, 2015.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 121)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

April 16, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A §11, I have appointed Representative Craig V. Hickman of Winthrop to serve as a member of the Citizen Trade Policy Commission effective immediately. Representative Hickman is to replace Representative Stanley Byron Short, Jr. of Pittsfield who resigned from this commission.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 122)

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

April 21, 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. 547 An Act Regarding Service Dogs

L.D. 709 An Act Regarding the Regulation of Rabbit Production for Local Consumption

Energy, Utilities and Technology

L.D. 103 An Act To Recruit New Businesses to Maine by Providing Energy Efficiency Assistance

L.D. 743 An Act To Protect the Environment and Assist Municipalities with the Recycling, Reuse and Processing of Solid Waste

L.D. 945 An Act To Manage Electricity Rates To Lower Consumer Electricity Bills and Increase Utilities' Cash Flow through 3rd-party Management of Smart Meters

Health and Human Services

L.D. 436 An Act To Require Providers of Short-term Lodging To Be Licensed by the State

L.D. 772 An Act To Amend the Membership of the Child Care Advisory Council

Judiciary

L.D. 448 An Act Regarding the Use of Remote-access Technology at Public Meetings of the Public Utilities Commission

L.D. 482 An Act To Prohibit Flying over Land with Drones without Written Permission from the Landowner

L.D. 731 An Act To Increase Compensation for Active Retired Judges

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (H.C. 123)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

April 21, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On April 17, 2015

Noa Ann Sreden of Bath for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Admiral John F. Shipway of Bath for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Christopher M. Gilman of Castine for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers **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:

ENERGY, UTILITIES AND TECHNOLOGY

Bill "An Act To Improve Residential Renewable Energy Use" (H.P. 923) (L.D. 1355)

Sponsored by Representative **POULIOT** of Augusta.

Cosponsored by Senator **WOODSOME** of York and Representatives: **DION** of Portland, **GIDEON** of Freeport, **HIGGINS** of Dover-Foxcroft, **MARTIN** of Eagle Lake, **O'CONNOR** of Berwick, **TIPPING-SPITZ** of Orono, **WADSWORTH** of Hiram, Senator: **MASON** of Androscoggin.

HEALTH AND HUMAN SERVICES

Resolve, To Create a Working Group To Ensure a Stable Continuum of Care for Individuals with Intellectual Disabilities and Autism

(H.P. 924) (L.D. 1356)

Sponsored by Representative **SHERMAN** of Hodgdon.

Cosponsored by Representatives: **HANLEY** of Pittston, **LONG** of Sherman.

STATE AND LOCAL GOVERNMENT

Bill "An Act To Improve the Maine Administrative Procedure Act"

(H.P. 922) (L.D. 1354)

Sponsored by Representative **FREDETTE** of Newport. (GOVERNOR'S BILL)

VETERANS AND LEGAL AFFAIRS

Bill "An Act To Implement the Findings of the WhiteSand Gaming Study"

(H.P. 925) (L.D. 1357)

Sponsored by Representative **KINNEY** of Limington.

Cosponsored by Senator **VOLK** of Cumberland and Representatives: **BEAR** of the Houlton Band of Maliseet Indians,

O'CONNOR of Berwick, **RUSSELL** of Portland, **SIROCKI** of Scarborough, **VACHON** of Scarborough, Senators: **DIAMOND** of Cumberland, **DUTREMBLE** of York, **VALENTINO** of York.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require School Administrators To Complete 50 Hours of Direct Student Instruction To Be Recertified"

(S.P. 142) (L.D. 374)

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook
MILLETT of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-28)** on same Bill.

Signed:

Representative:

POULIOT of Augusta

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

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-35)** on Bill "An Act To Limit Allowable Health Care Charges in Certain Specified Situations"

(S.P. 89) (L.D. 251)

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

BROOKS of Lewiston
COOPER of Yarmouth
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
TUCKER of Brunswick

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

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc

Representatives:

BECK of Waterville
MORRISON of South Portland
PRESCOTT of Waterboro
WALLACE of Dexter

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

On motion of Representative BECK of Waterville, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Improve Public Sector Collective Bargaining Laws"

(S.P. 199) (L.D. 530)

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

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

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative FREDETTE of Newport **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 Dedham, Representative Ward.

Representative **WARD**: Mr. Speaker, thank you. Mr. Speaker, Ladies and Gentlemen of the House, this bill dictates in

the case of public schools that a school board member is part of every collective bargaining meeting.

While this is often the case, the board member is present, but because this is a completely part time responsibility performed by busy people with busy lives, this is not always the case. There are times, for example, when the board's best interest is represented by a superintendent or business manager. This bill would violate the fundamental principle expressed in law that each party has the right to select its representative for bargaining, specifically, Mr. Speaker, Title 26 Section 964, subparagraph 2 provides, and I quote:

"Public employee prohibitions- public employees, public employee organizations, their agents, members and bargaining agents are prohibited from:

A. Interfering with, restraining, or coercing employees in the exercise of the rights guaranteed in Section 963 or a public employer in the selection of his representative for the purposes of collective bargaining or the adjustment of grievances."

Mr. Speaker, this bill is an unnecessary, unjustified intrusion into the board's authority to select its bargaining representatives. The school board representatives at the table are, and should remain, a local board decision. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the Maine Municipal Association also testified against this bill in committee. Excerpts from their testimony: "For the larger municipalities, there may be four, six, eight or as many as a dozen separate bargaining units." And I might add the City of Bangor has 12 public sector bargaining units. "And although negotiations over a labor contract can sometimes be accomplished in a meeting or two, it is not uncommon for negotiations to take many meetings that are scheduled over a period of many week and even months, involving a serious time commitment on the part of the negotiators.

It is also the case that many of the municipal officers serving on a selectboard or town or city council have regular job obligations during the business day and are required to attend many evening meetings during the week... Because they have their regular job duties during the day, most negotiations would need to be scheduled during evening hours and there are not many evenings in any week that a municipal officer is freely available.

Putting all that together, LD 530 places an unfair demand on the municipal officers mandated to attend each and every negotiation session. Furthermore, because of the scheduling obstacles created, LD 530 would significantly extend the period of time any municipal-level labor contract could be negotiated." In conclusion, "the most immediate consequences of LD 530 would be to: (1) expand the mandatory obligations of municipal officers, making what is already a thankless task even less attractive for people to commit to, and (2) significantly slow down the process of reaching labor contract agreements because of scheduling difficulties." I urge a "no" vote on the pending motion. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, during the public hearing on LD 530, the County Commissioner's Association informed us that their members voted unanimously in opposition of this bill. That would be county commissioners from every one of our legislative districts who oppose this bill.

Our county commissioners believe that these types of decisions should remain at the local level where each municipality can act on what is in its best interest and not have Augusta dictate a one-size-fits-all mandate. Please support local control and vote in opposition to this bill.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman.

Representative **LOCKMAN**: Thank you, Mr. Speaker, I apologize for speaking twice. I did want to add that the Maine Municipal Association's 70 member legislative policy committee reviewed LD 530 and, during its meeting on March 12th voted unanimously, all 70 members opposed to this bill. Thank you, Mr. Speaker.

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

ROLL CALL NO. 31

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

NAY - Austin, Battle, Beavers, Bickford, Black, Buckland, Campbell R, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pierce T, 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 - Chace, Daughtry, Dillingham, Dion, Doore, Dunphy M, Frey, Goode, Greenwood, Hilliard.

Yes, 73; No, 68; Absent, 10; Excused, 0.

73 having voted in the affirmative and 68 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 23, 2015.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of a Mobile Telephone When Operating a Motor Vehicle Except in Hands-free Mode"

(S.P. 60) (L.D. 185)

Signed:

Senator:

COLLINS of York

Representatives:

BRYANT of Windham

FARRIN of Norridgewock

GOLDEN of Lewiston

HOBART of Bowdoinham

PARRY of Arundel

VEROW of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-13)** on same Bill.

Signed:

Senators:

DIAMOND of Cumberland

ROSEN of Hancock

Representatives:

McLEAN of Gorham

GILLWAY of Searsport

HOGAN of Old Orchard Beach

POWERS of Naples

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-13)**.

READ.

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, a car on the interstate drifts into our lane. We have to swerve to avoid it. The driver is on their cell phone. Someone blows through an intersection. Fortunately, no one is hurt. The driver is on their cell phone. We are stopped at a red light and hear the squealing brakes behind us as a car narrowly avoids rear-ending us. The driver is on their cell phone.

We have all been chatting away on cell phones and before you know it, we're home. And I'm sure I'm not the only one in saying, "that was quick" or "I don't even remember most of that drive" even though we made it home safely. That's because we were cognitively distracted—our minds have been taken off of the task in front of us, which is driving the car. A seemingly harmless task that can result in tragedy and indeed it has.

Since the advent of automobiles, we have constantly dealt with the issue of safety—trying reduce injury and death through public policy and education. Distracted driving is today's safety issue. Texting, checking email, and talking on the phone all contribute to driver inattention. This bill provides an important step in ensuring that drivers make it to and from a destination without incurring injury to themselves or upon others.

According to the National Highway Traffic Safety Administration, one out of every ten fatal crashes involves distraction, resulting in more than 3,000 deaths per year, although experts agree that the numbers are likely underestimated.

In 2014, police in Maine listed "driver distraction" as a cause in over 2000 collisions on Maine highways, and we know that many if not most of those were texting or talking on the phone. Over a dozen of these crashes resulted in a fatality. Lives that did not have to end. This is not legislation by anecdote—the subject has been researched by task force committees and universities in study after study, and the verdict is in. Driving down the road while using a handheld phone is dangerous. None of us could have predicted this problem when cell phones were first introduced, but we have learned from unfortunate experience.

We have all talked on handheld device while driving, but we shouldn't do it. I will plead guilty myself. In fact, I would guess

that, as a group, legislators are probably the worst offenders. But this doesn't make it right.

I think we need to remind ourselves that driving is a privilege and not a right. We regulate it, as we should. We tell people not to drive under the influence of alcohol or drugs. We already tell them that they can't text while driving. All are reasonable limitations. Opponents of this legislation tell us we can't legislate common sense.

But as the saying goes, my right to extend my fist ends at the tip of your nose. If you choose to put yourself in harm's way, that's one thing. But when the danger and harm extend to others, it is a very different story. We're not talking about just a fist in this case, we are talking about a two ton projectile speeding that, for example, is moving at 70 miles per hour down the road. Under normal circumstances, when a driver is paying complete attention, it would take the length of a football field to react and bring the car to a complete stop. An entire football field.

Two thousand accidents, over a dozen deaths. We can do a lot better. We have the power to stop absolutely preventable accidents—that is good public policy. We have the power to stop absolutely preventable fatalities—that is good public policy. Fourteen other states have passed similar laws and the number is growing. We should join those states.

I hear from some that modern life as we know it will cease to exist if this passes. Lawyers, realtors, and sales people won't be able to earn a living. Parents won't be able to stay in touch with their kids. I respectfully suggest that this is not the case. This law specifically permits hands-free use of cell phone. Many cars are equipped with Bluetooth or other devices. And if you don't have one of those devices there are inexpensive alternatives, all of which will allow people to communicate by phone and have hands free to actually steer the car.

We have a chance to make travel in our states and our own communities measurably safer at little or no inconvenience to people. Life will go on, but more people will get safely to where they are going. I hope we will embrace this opportunity, and I hope you will join me in supporting the Ought to Pass Report. Thank you, Mr. Speaker.

Representative FREDETTE of Newport **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 Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker, Women and Men of the House, I cannot tell you how many times I see drivers with their phones in their hands, reading and writing text messages. What begins as just a quick call can so easily end up as something else.

Most of us are simply unable to just put the phone down. It is unfortunate that no amount of education alone will ever be enough to make us do what we know we should. It is just too tempting to pick up that phone for just one quick look; at a text, at a map or a quick check of Facebook or Twitter.

And our children and grandchildren watching from the backseat, strapped safely into their car seats and seat belts, protected by airbags on all sides, are watching everything we do. Will they do as we say or will they do as we do when they become drivers themselves? If we really believe it is unsafe for young drivers to use their cell phones for any reason, then it is time for all of us to put our phones down. We have no illusions that this bill will cure all of the issues centered around distracted driving. But it is a start. And sometimes we need a law to make all of us do what we know is right. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, all this can be done under current law. We have a distracted driving law, we have a texting while driving law, but this goes one step even further.

You can be driving perfectly down the highway and the only reason you get pulled over is you have a phone to your ear. You're not swerving, you're not speeding, you're not going 20 miles under the speed limit, you're driving perfectly down the road. Is using a cell phone distracting? Sure. But so isn't changing your car radio, putting a CD in, looking at your GPS, and using a hands-held device.

AAA came and testified on this bill and they had a neat chart. It showed that hands-free was virtually just as distracting as handheld. It also showed that passengers in the car were just as distracting as handheld. Channel 6 the other day did a great news report on this very issue; not on this bill, but on this issue. And they brought up that passengers for teens in cars—passengers, are more distracting than talking on the cell phone.

I 100 percent agree texting is really, really bad, and we've enhanced penalties for texting while driving, but this goes the extra step that I don't think that we should be going. This is making it, when you're driving perfectly down the highway, that you can get pulled over. Currently, if you're going down the highway, and one of the former Speakers mentioned it, weaving across the yellow line, going into the ditch, the police can already pull people over for that today under our distracted driving laws.

Right after the hearing, matter of fact, the State Police had a news report that following Monday and talked about the people that they were pulling over for distracted driving, and talked about it was people putting makeup on, or eating, or texting. But they were able to write the tickets for all of these. Another thing that's been brought up too, is I believe everybody in this chamber is able to go buy a car that has Bluetooth, and everybody in this chamber has the ability to go buy an ear bud or have a \$600 iPhone that comes with hands-free technology. But there's a lot of people outside this building that can't do that.

Another major part, I'm sure you've received it on all your desk is the amendment that with the first infraction of this law, a \$250 fine must be a judge. On the second offense, a \$500 fine must be, and on that, on that second offense, you'll also lose your license for 30 days. And this is for an action that all you did was hold a phone to your ear. You weren't swerving, you weren't going off the ditch, you weren't blowing through a stop sign or a red light, you didn't hear tires screech behind you. This is just for driving down the road doing absolutely nothing wrong other than holding a phone to your ear. And to me, that's one step too far. Thank you very much.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it was just four decades ago this summer that I started a new job in Greenville, Maine. It was as a driver ed teacher, and I had seven summers where one of the things I taught was called the "quick glance" technique, and among, you know, 15, 16, 17 year old drivers, some of them actually had to be taught not to focus into a mirror, but to look into the rearview, look to the side view, look over your shoulder, and then turn and be able to do that in quick order. I think the use of that today is still lacking in young folks until they can master that.

When I moved to Kennebunk in the 1980's I wasn't teaching driver ed anymore, but I did have a student who was on the Turnpike who was reaching across, either to pick up something

on the floor or to adjust something, he lost control of his vehicle and he went off the Turnpike and was killed.

Eight years ago, I sponsored a bill to ask law enforcement to document distracted driving incidents on accident reports and there was a lot of pushback back then, and the bill did not pass. I think where we are today is we understand that distracted driving, but also just using the phone, that using that phone that requires you to punch in a code to answer it, or to use it in any way. I mean, when young folks especially, but when people use the phone, they tend to look down. They don't advertise the fact that they're using the phone in the car and that looking down makes a big difference.

I bought a new car yesterday out of necessity and I took two calls this morning coming up here. And the fact that I was hands-free, looking ahead while I was talking does make a difference, there's no doubt about it. I want to commend the fact that this is really bipartisan in its approach. I mean, we have the good Senator from Kennebec having sponsored a bill, my row mate, Representative from Sanford having sponsored a bill, and I appreciate them bringing this issue forward.

You know, like seatbelts, some might say this is an intrusion into private choice. But, it's different from seatbelts in a very, very important way because not only must we be concerned for the welfare of the driver, but we also must fear for anyone in that driver's path. I think it's time. We've come to a place where this is going to be good and it's going to save lives. I urge you to vote for the Ought to Pass as amended report.

The SPEAKER: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Mr. Speaker, Men and Women of the House, I just want to say a few words about cause and effect.

My father grew up and learned to drive in Winterport, Maine. He was a great driver—he never had an accident, never had a ticket, never pulled over to my knowledge. Like many Maine drivers in the 50's, 60's, and even the 70's he could occasionally be found with an open can of beer between his legs. I never saw him drunk, this was simply an accepted practice.

Until around the 80's. We realized that this practice led to accidents and OUI's. We have a similar situation today. Today's issue is distracted driving. Several years from now, we too will be looking back and asking ourselves, "What were we thinking?" If you haven't seen a distracted driver due to the use of a cell phone on the road, you simply haven't been looking. Thank you.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise only because I am not sure about this bill and I'd like to ask a couple questions. The good Representative from Arundel mentioned some items around the current law and I do remember, being in the 124th, passing that and I would ask if anyone could answer what the current law actually is around distracted driving?

I happen to not be one of the members in the chamber that can afford a new car. In fact, my 1991 Ford Mustang has its original car phone in it. You're welcome to come look at it. It is attached to the car. It's kind of fabulous, and no, it's not going away.

The other question I have is, is there a difference between a standalone GPS and a phone based GPS, or Pandora versus the radio under the current bill? I happen to use Siri for all my directions these days. I can't afford to buy a new GPS. And I also happen to listen to Pandora on the way up and on the way back.

So if anybody could answer how those relate. The first question again, what is the difference, what is the exact law that we passed in the 124th that is currently here, and what's the difference between GPS that's standalone versus phone-based GPS, same thing with the Pandora versus the radio. Thank you, Mr. Speaker.

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

Representative **McLEAN**: Thank you, Mr. Speaker, I'm not sure if I'll be able to answer the questions entirely, I wasn't here in the 124th, but the way I understand the distracted driving law is that if a police officer or a law enforcement official observes someone who is weaving or otherwise violating traffic safety laws, they can be pulled over.

This is the follow-up to the ban on texting and driving. And some of the language is very similar to that particular bill that passed a couple years ago. This particular piece of legislation, the amendment, deals with a ban on handheld devices. So you are not, under this amendment you would not be permitted to hold a device. You would be permitted to pull over and take a phone call or do what you need to on your handheld device, but not while operating the vehicle.

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

Representative **POULIOT**: Mr. Speaker, Men and Women of the House, at the beginning of this debate, we heard from the good chair of the Transportation Committee with testimony that was in part an excerpt of an op-ed published in the Portland Press Herald on March 11th. So I would like to share with you an op-ed that was written by George Smith, published about a month before this on February 18th on this topic.

The op-ed was entitled, "Cellphones may be the least of many things that distract drivers."

"Driving down Interstate 295 on my way to Portland, I was thinking about a bill to ban the use of hand-held cellphones while driving. It had been in the news that morning, so I pondered it as I enjoyed my bagel with cream cheese and coffee." "You'll have to bear with me here because I didn't print this out, so... gotta love technology.

"Yes, I can eat and drive, but to tell you the truth, I am far distracted, more distracted when eating and drinking than when talking on my cell phone.

By the time I got to Gardiner, the Subaru was getting warm, so I unhooked my seat belt and took off my coat, driving with my knees for a while. I am really quite good at that. Then I pulled up behind a van with about a foot of snow on the top, and it was like driving in a blizzard until I got past him. I had to step it up..." "If I get my good seatmate here to move up the screen for me here, that'd be great. "I had to step it up about 80 miles an hour to accomplish that."

You'll like this: "The closest I came to an accident that morning was when I got distracted trying to choose a CD to play. I had to reach around behind me, open the compartment and pull out some CDs. Then I had a hard time deciding between jazz and gospel music. When I looked up, I was almost completely off the road. I guess if I'd crashed, the gospel would have been a better choice.

Driving into Augusta in the morning, I've seen people doing some amazing things while driving: a woman applying her makeup, a man shaving, several people fiddling with their hair and one guy reading the newspaper. I thought that's why we have Maine Public Radio.

There's an awful lot of distractions that distract us while we are driving. My wife is a terrible backseat driver. She extends her arms and legs and braces herself whenever she is sure I am about to crash. That really distracts me and ought to be illegal.

These thoughts carried me all the way to Portland, where the streets were very slippery and clogged with snow, walkers and cars. And a car careened out of the side street right in front of me, the driver laughing his head off in reaction to something his passenger had just told him. I jammed up on the brakes and slid about 10 feet, narrowly missing him. He never even glanced my way.

It took me 15 minutes to go up Congress Street to my destination. And I was most assuredly not distracted—more like frightened to move forward.

After considering all of this, I've decided to do my civic duty and show up and testify at the public hearing on the bill. I will tell the committee some of what I just conveyed to you here, and remind them that we have not had a lot of luck banning certain practices on our roadways. Like speeding, for instance.

When tens of millions of dollars on police are spent, hoping that we can stop us from speeding. Yet we all still speed, despite signs, radar and a heavy police presence on our roads.

We all eat in our vehicles—hence those drive-up windows at our favorite eateries. We select and play music. We talk to each other, in person and by phone. We don't brush the snow off our vehicles before we take to the road. We even drive with our knees while taking off our coats." OK, that's George, remember.

"Should it all be illegal? Distracted driving is already illegal but difficult to prove. So I've got a suggestion. If you took driver's education, you may remember being told to grip the steering wheel with both hands and keep your eyes on the road ahead.

Perhaps Maine could partner with car manufacturers to create a steering wheel that would work only when gripped firmly by two hands. And when that was occurring, a light in the back of the vehicle could light up. When the light was not lit, the police would know you are not gripping the wheel properly and give you a ticket.

Other than this, I doubt," that we, "the Maine Legislature are going to be able to stop us from rolling down the highway while we talk, eat, select music, put on makeup, shave or read." Thank you, very much.

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

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

The SPEAKER: The Representative may pose her question.

Representative **MAKER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I have a question that I would like to have someone in the House answer. My understanding in the distracted driving bill, there's a lot of carve outs. I'm not sure what carve outs that are, but what they are I would like to know. And if those same carve outs are in this bill, so that people are excluded from being picked up.

The SPEAKER: The Representative from Calais, Representative Maker, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: There are no exceptions, unless there is an emergency.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker, Men and Women of the House, I had many personal concerns and

questions regarding this bill. I too acknowledge that I have been a distracted driver on many occasions.

I asked lots of questions about the existing distracted driving law during the public hearing on LD 185. My first inclination was to vote against this. However, several things brought me to finally support LD 185. It started with the testimony during the public hearing, debating the issue during the work session, hearing from many of my constituents asking me to support the bill, and finally the testimony of Lt. Brian Scott led me to support it.

Lt. Scott pointed out the difficulties that law enforcement officials have in enforcing the current texting and driving law. LD 185 will ban handheld devices completely and thus will allow law enforcement to help protect our youth and all of us on the road regarding texting. Right now it's hard for law enforcement to follow through with that if they see someone they believe is texting. They could be doing many things—listening to music, making a phone call.

We all acknowledge that distracted driving at many levels must be addressed. LD 185 is a step in the right direction. Some people have noted that we should work more toward education before passing a law such as this. And I agree, but I can tell you that this LD has educated me a great deal and has made me aware, much more aware of my actions and the possible consequences of those actions since we first started hearing this testimony. I think that the passage of LD 185 will educate many more adults and I am hopeful that it will go a great distance in educating our young drivers.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in regards to the good Representative from Augusta's comments, if he, if the two hand rule had been implemented in this bill I probably would be speaking opposed, but I am speaking in strong support of the pending motion.

Couple things that haven't been said in regards to CDL drivers, truck drivers—they currently cannot use their hand, they have to use hands-free. That's federal law and that's enacted throughout the country. As many of you know, I do work for the railroad. Almost every incident that we have with railroads and automobiles, it's almost always somebody using a cell phone, whether it's texting or talking on the cell phone, including right here in Maine. One of the more major incidents was, I believe in the Speaker's district in Berwick where a truck driver who was illegally using his hands held phone anyways, ran a crossing and a train hit it and demolished the truck and there were deaths and injuries.

Currently, railroad employees in the operating department, such as myself, we cannot even have our cell phones turned on. They have to be completely turned off and stowed not on our person, and we don't even have steering wheels, so I would strongly support the current motion and hope that it passes.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I'm really getting kind of concerned about this state becoming an anti-state. I'm thinking about the loud music that I've listened to driving down the road and drove by the street when I was listening to music. Was that distracted driving? We need to pass a law for that too.

Thinking about problems you have of the day. How many times have you been thinking about what's happened and drove right by where you was going and had to turn around and go back, and swear at yourself? That's distracted driving.

We can't regulate everything, but most importantly, there'll be a lot of young people that'll be really depressed when we have to pass a law saying that your girlfriend or your boyfriend or whatever can't sit beside you anymore, because that's distracted driving. And that's the most distracted driving most of us have ever experienced.

And it's becoming a big problem this state that we're trying to regulate everything. I think it's time that we vote this down and we move on. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Hobart.

Representative **HOBART**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill is not a one-size-fits-all. There are some people are capable of multi-tasking—they can talk on the phone, drink a cup of coffee, play a game of chess, and they're perfectly safe going down the road. There are other people that have both hands on the wheel, eyes straight ahead, and they're the most dangerous people on the road. We're trying to make this a perfect world, and we cannot. I'm going to vote against this.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **MCLEAN**: Thank you, Mr. Speaker, I appreciate the sarcasm from the good Representative from Augusta. I think a little levity during some of these debates is important, but I would suggest that for those who have been hurt or killed by distracted drivers, there is no levity or sarcasm that is appropriate.

If someone is doing something that's distracting on their own, they should stop it. They should have the common sense to stop it. But sometimes, we as a society believe that these laws, as we evolve on our notion of driver safety, these laws are appropriate. And I would also suggest that the notion that because we can't do everything to solve this problem means that we should do nothing, is not something that this Legislature should subscribe to.

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

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, I appreciate the debate that we've had today. This is an important issue.

I do want to put on the record why I've come to the conclusion that I'm going to vote against the pending motion. It has a lot to do with the penalties. When you are mandating a \$250 penalty as your first offense, and then a \$500 penalty with a 30 day suspension, that creates real burdens for folks who happen to be low-income. If you are dependent, as most Maine people are, on their car in order to get to work, a 30 day suspension as a second offense for having a phone up to your ear just seems really extreme because you could lose your job, which has significantly more consequences for families in the long term than the pending motion would solve.

I don't disagree that this is a problem, I don't disagree that I've certainly been someone that uses her phone on the road, or that there are families that have had tragedies strike. We have seen tragedies strike for a variety of reasons. I, myself, almost lost my life because of bad circumstances on the road. I had a tractor trailer hit me, it rolled over, and we are lucky that both of us were able to walk away and walk as opposed to the eight or nine car pileup that we had. I'm not immune to the fact that there are tragedies, but I do think that the penalties on this make it very difficult. If you don't pay your \$250 fine, then there's a very good chance that you then lose your license for a longer period of time, and I just think that the way the penalties are written as under the current amendment, it would disproportionately hurt low-income

people and so that's the reason I'm going to be voting against the pending motion. It's not because I don't disagree that something should be done, but again, we did solve some of it in the 124th.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, sorry for rising again, but you know, I'd like to agree with my good friend from Naples on her statements on the State Police coming forward and saying how difficult it was on the for distracted driving.

I only had one problem with that. That was on a Friday and on the next Tuesday morning, the lead story on the morning news was them, the State Police coming out and talking about how they were able to write all these tickets for distracted driving, and talked about people putting makeup on, and people eating, and people using their cell phones and texting. Which, I agree 100 percent texting is really, really bad. I fully supported former Representative Peoples from Westbrook, who pushed some enhanced penalties for texting while driving, and I agree with that 100 percent.

But to go along with what the State Police did say to us, was it was difficult. Yes, this bill will make it much easier for the police to write tickets.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, having spent almost 40 years in law enforcement and patrolling many, many miles of roads and seeing much many people driving different ways and the distractions upon the roads, my first inclination was to support this bill.

But, having looked into it overnight, and giving a lot of thought to it, I cannot support it. And the reason I can't, is I don't truly believe there's any way for us here in this body to legislate common sense. There are many, many things that we do while we're driving a car that are not good common sense. For example, those of us that choose to bring a dog in the car with us. How many times have you seen a dog in the lap of the driver of a car with a head out the window if it happens to be a warm day, or just jumping up and down? How distracting is that?

I agree with the good Representative from Gorham that distraction is not anything to laugh about, and somebody who has died because of it, it certainly is not a joke. However, we have laws on the books right now that take care of distracted driving and I don't believe we need this particular law here. We need to start demonstrating common sense. Those of us that have, maybe still have children in our homes, maybe it's time for us to start using that common sense and maybe do things differently the way we drive. But we can't continue to legislate every little thing because people won't use common sense. So I would urge you not to pass on this. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I find the longer that I'm here the more I'm in agreement with Representative Russell, and I appreciate her coming to my side of the thoughts on many issues here in the Legislature. We've become very good friends and, I believe that this is sort of one of these perennial bills that we've seen.

This is my third term, it's the third time we've seen it. We've had a history in this particular bill, and I think there's a reason why this bill has a history, because it hasn't been passed before. I think that it's a common sense measure, where, you know, it sort of goes back to trying to measure the pint. You know,

whether or not we're going to start measuring a six ounce steak. You know, here the question is whether or not we're going to talk on a cell phone, or not be able to drink a cup of coffee, or stop at McDonald's and eat a bacon, egg, and cheese sandwich. And, you know, one of the things we can't legislate is common sense. And, you know, people need to be smart when they're using their cell phones, when they're talking on them, but I don't think that this is the right time, or the right day to pass this bill and I'd ask you to follow my light and vote against the measure. Thank you.

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

Representative **HICKMAN**: Thank you, Mr. Speaker, Women and Men of the House, I actually think we can legislate common sense. It looks like this bill.

And here's why I say that. What I'm hearing in this debate, in my opinion, are excuses for an addiction we don't want to admit we have. We are addicted to our phones. So much so that they get in the way of some of our relationships. We are driving. That means that we have our lives in our hands and we have the lives of everybody else who is driving in our hands when we are driving down the road.

I live in Winthrop. Route 202 has become one of the deadliest passages of highway in the State of Maine and every accident has been cited to have something to do with a phone. There is this thing called the side of the road—it equalizes us. Low-income people, wealthy people, if you need to make a phone call you can pull over to the side of the road. If you do not want to get a ticket for having a phone in your hand while you are driving pull over to the side of the road.

When my father was alive, he drove. My mother sat in the passenger seat. He couldn't even touch the radio, she did. That's how he self-regulated his own driving because he took his family's safety that seriously. And we are making excuses here because we are addicted to our phones. I do not eat and drive because I have a stick shift. So for anyone who says we all do that, it is not true because I do not eat and drive. I can't. I have a stick shift. I have a flip phone. I rarely talk on it at all when I'm driving, but if I have to look up a number because I can't see it, I pull over. I see no reason why anyone else can't do the same thing. I will support the minority Ought to Pass as amended. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker, and I apologize for rising for the second time, but I just thought that some members might be interested to know that if you drive into New Hampshire right now, there are big signs all along the road in New Hampshire saying, "As of July 1st hands-free only." If you are in Vermont, "hands-free only."

So, it is spreading. It is around us. We may as well just stop talking on the phone while we're in the car. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker, I thought it might be useful for all of us to understand that as of today, which states are considering or have enacted a handheld ban.

As of today, Alabama votes "no;" Alaska: no; Arizona: no; Arkansas: drivers ages 18 to 20 only; Colorado: no; Florida: no; Georgia: only drivers younger than 18; Idaho: no; Indiana: no; Iowa: no; Kansas: no; Kentucky: no; Louisiana: no; Maine: no. In Massachusetts, it's a local option, as it is in Michigan. Minnesota: no; Mississippi: no; Missouri: no; Montana: no; Nebraska: no; New Mexico: it's a local option; North Carolina: no; North Dakota: only drivers younger than 18; Ohio: a local option only;

Oklahoma: only on a learner's permit; Pennsylvania: local option no; Rhode Island: no; South Carolina: no; South Dakota: no; Tennessee: no; Texas: only drivers in school crossing zones. Don't know what that means. Virginia: no; Wisconsin: no; And Wyoming: no. Thank you, Mr. Speaker.

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. 32

YEA - Alley, Babbidge, Bates, Beavers, Beck, Blume, Brooks, Burstein, Campbell J, Chipman, Cooper, Davitt, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gilbert, Gillway, Goode, Grant, Grohman, Hamann, Herbig, Hickman, Hogan, Hubbell, Jorgensen, Kornfield, Kruger, Lajoie, Longstaff, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Picchiotti, Pierce T, Powers, Rotundo, Sanborn, Schneck, Seavey, Shaw, Stearns, Tepler, Tucker, Verow, Welsh, Mr. Speaker.

NAY - Austin, Battle, Beebe-Center, Bickford, Black, Bryant, Buckland, Campbell R, Chapman, Chenette, Corey, Crafts, Daughtry, DeChant, Devin, Duchesne, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Frey, Gerrish, Ginzler, Golden, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hymanson, Kinney J, Kinney M, Kumiega, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Pickett, Pierce J, Pouliot, Prescott, Reed, Russell, Sanderson, Saucier, Sawicki, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Stuckey, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

ABSENT - Chace, Dillingham, Dion, Doore, Dunphy M, Gideon, Greenwood, Rykerson.

Yes, 55; No, 88; Absent, 8; Excused, 0.

55 having voted in the affirmative and 88 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative McLEAN of Gorham, the Majority **Ought Not to Pass Report was ACCEPTED in NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Amend the Maine Property Insurance Cancellation Control Laws"

(H.P. 657) (L.D. 954)

Signed:

Senators:

WHITEMORE of Somerset

BAKER of Sagadahoc

GRATWICK of Penobscot

Representatives:

BECK of Waterville

BROOKS of Lewiston

COOPER of Yarmouth

FOLEY of Wells

MORRISON of South Portland

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

TUCKER of Brunswick

WALLACE of Dexter

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

Signed:

Representative:

MELARAGNO of Auburn

READ.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, April 23, 2015.

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Enhance Equity and Efficiency for Off-track Betting Facilities"

(H.P. 572) (L.D. 838)

has had the same under consideration, and asks leave to report: that the Bill be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

That the Senate **READ** and **ACCEPT** the Report.

That the House **READ** and **ACCEPT** the Report, in concurrence.

That the House **RECEDE** and **CONCUR**.

Signed:

Senators:

CYRWAY of Kennebec

MASON of Androscoggin

Representatives:

LUCHINI of Ellsworth

McCABE of Skowhegan

PICCHIOTTI of Fairfield

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

The Committee of Conference Report was **READ** and **ACCEPTED**.

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

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

SENATE PAPERS

Bill "An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in Maine"

(S.P. 493) (L.D. 1360)

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

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

Bill "An Act To Assist Municipalities with the Recycling of Solid Waste by Allowing Net Electrical Billing Credits"

(S.P. 492) (L.D. 1359)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Facilitate the Delivery of Health Care Services through Telemedicine and Telehealth"

(S.P. 489) (L.D. 1352)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment"

(S.P. 490) (L.D. 1353)

Bill "An Act To Support Innovation and Entrepreneurship in Maine through the Start Maine Up Program"

(S.P. 491) (L.D. 1358)

Bill "An Act To Promote Minimum Wage Consistency"

(S.P. 494) (L.D. 1361)

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

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative VEROW of Brewer, the House adjourned at 11:52 a.m., until 10:00 a.m., Thursday, April 23, 2015, in honor and lasting tribute to Barbara Sedgley Doane, of Brewer and Wayne E. Hakala, of Greenwood.