

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH MAINE
LEGISLATURE
FIRST REGULAR SESSION
37th Legislative Day
Thursday, April 30, 2015

Representative McCABE of Skowhegan assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Reverend William R. Campbell, S.J., President, Cheverus High School, Portland.
National Anthem by Graci Gillen, Gray.
Pledge of Allegiance.
Doctor of the day, Amy Madden, M.D., Rome.
The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 509)
**JOINT RESOLUTION DECLARING THE
WEEK OF MAY 3, 2015 AS
MAINE ARSON AWARENESS WEEK**

WHEREAS, May 3 to May 9, 2015 has been recognized as National Arson Awareness Week and its theme is Accelerant Detection Canines - Sniffing Out Arson; and

WHEREAS, according to the United States Fire Administration, from 2010 to 2012, an estimated 17,400 intentionally set fires in residential buildings were reported to fire departments across the country each year and these fires resulted in 275 civilian deaths, 800 civilian injuries and \$513,000,000 in property loss; and

WHEREAS, from 2010 to 2012, an estimated 9,000 intentionally set fires occurred in nonresidential buildings each year and these fires resulted in \$282,000,000 in property loss; and

WHEREAS, according to the Federal Bureau of Investigation, from 2009 to 2013, there was an average of 53,127 arsons reported with an average dollar loss of \$15,086 per incident; and

WHEREAS, in 2014, arsons in the State resulted in 7 fatalities, 12 injuries and over \$2,085,000 in property loss; and

WHEREAS, the use of accelerant detection canines at the scene of a fire saves time and money by allowing accelerants to be identified with fewer evidence samples and this efficiency reduces laboratory expenditures, speeds up investigations and provides a higher conviction rate; and

WHEREAS, the investigative skills of K-9 teams have a direct effect on the successful prosecution of arson cases and K-9 teams are one of the most beneficial tools in the fight against the crime of arson; 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 May 3, 2015 as Maine Arson Awareness Week and to recognize the contributions accelerant detection canines make to fire departments, law enforcement agencies and their communities.

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

Non-Concurrent Matter

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

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43) in the House on April 16, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-43) AS AMENDED BY SENATE AMENDMENT "A" (S-60)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 130)

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

April 29, 2015

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

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Jeff M. McCabe of Skowhegan to serve as Speaker Pro Tem to convene the House on Thursday, April 30, 2015.

Sincerely,
S/Mark W. Eves
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: (H.C. 131)

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

April 30, 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. 1089 An Act To Amend the Laws Governing Agriculture by Expanding the Powers of the Commissioner of Agriculture, Conservation and Forestry
- Criminal Justice and Public Safety
L.D. 460 An Act To Restore Liability Insurance Requirements for Amusement Rides and Other Public Exhibitions (EMERGENCY)
- L.D. 534 An Act To Increase Crisis Intervention Training in the State

- Energy, Utilities and Technology
L.D. 1257 Resolve, To Make Home Heat Pumps Affordable (EMERGENCY)
- Environment and Natural Resources
L.D. 1194 An Act To Allow Municipalities To Contract with and Dispose of Waste, including Residue, in State-owned Solid Waste Disposal Facilities, as Allowed under a Facility License, To Ensure Compliance with the Solid Waste Management Hierarchy
- Health and Human Services
L.D. 75 Resolve, To Strengthen Health Care Services for Maine Residents Affected by Neurodegenerative Diseases
- L.D. 539 An Act To Increase Utilization of the Dorothea Dix Psychiatric Center
- L.D. 604 An Act To Encourage Communication Regarding Persons with Mental Illness
- L.D. 1050 An Act To Reimburse Nursing Homes for the Loss of Coinsurance and Deductibles for Skilled Nursing Beds under Rules Adopted by the Department of Health and Human Services
- Labor, Commerce, Research and Economic Development
L.D. 1051 An Act To Prohibit Fuel Temperature Compensation When Fuel is Dispensed to Outdoor Tanks
- State and Local Government
L.D. 106 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators to 4 Years
- L.D. 1274 An Act To Allow the Governor To Review Routine Technical Rules
- Transportation
L.D. 789 An Act To Require That Projects Undertaken by the Maine Turnpike Authority Have an Anticipated Useful Life of at Least 15 Years
- Veterans and Legal Affairs
L.D. 184 An Act To Reimburse Philip Wolley for Litigation Expenses Incurred in Connection with His Termination and Reinstatement as a State Employee
- L.D. 1127 An Act Regarding the Authority of the Secretary of State and the Attorney General To Conduct Investigations of Vote Recounts
- L.D. 1138 An Act Regarding Municipal Reporting of Statewide Elections

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

The Following Communication: (S.C. 248)
MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

April 29, 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 Education and Cultural Affairs, the nomination of Christopher M. Gilman of Old Town for appointment to the Maine Maritime Academy, Board of Trustees.
Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of John F. Shipway of Bath for reappointment to the Maine Maritime Academy, Board of Trustees.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate
READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements" (H.P. 937) (L.D. 1384)
Sponsored by Representative STETKIS of Canaan.
Submitted by the Department of Labor pursuant to Joint Rule 204.
Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.
REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.
Sent for concurrence.

Pursuant to Statute Revisor of Statutes

Representative HOBBS for the **Revisor of Statutes** pursuant to the Maine Revised Statutes, Title 1, section 94 asks leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (H.P. 936) (L.D. 1381)
Be **REFERRED** to the Committee on **JUDICIARY** and printed pursuant to Joint Rule 218.
Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.
Sent for concurrence.

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 21)
ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused April 21 for personal reasons.
AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused April 21 for personal reasons.
AND BE IT FURTHER ORDERED, that Representative Donna R. Doore of Augusta be excused April 21 for health reasons.
AND BE IT FURTHER ORDERED, that Representative Michelle Ann Dunphy of Old Town be excused April 16 and 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Randall Adam Greenwood of Wales be excused April 21 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia Hymanson of York be excused April 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative MaryAnne Kinney of Knox be excused April 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Deane Rykerson of Kittery be excused April 28 and 29 for legislative business.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

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

(HLS 298)

Presented by Representative McCABE of Skowhegan. Cosponsored by Senator WHITTEMORE of Somerset, Representative DUNPHY of Embden.

On **OBJECTION** of Representative GIDEON of Freeport, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass** on Bill "An Act Regarding Aerial Pesticide Spray Projects"

(S.P. 291) (L.D. 817)

Signed:

Senators:

- EDGECOMB of Aroostook
- DILL of Penobscot
- SAVIELLO of Franklin

Representatives:

- BLACK of Wilton
- CHAPMAN of Brooksville
- DUNPHY of Old Town
- EDGECOMB of Fort Fairfield
- KINNEY of Knox
- MAREAN of Hollis
- McELWEE of Caribou
- NOON of Sanford
- SAUCIER of Presque Isle

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

Signed:

Representative:

HICKMAN of Winthrop

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

READ.

Representative HICKMAN of Winthrop moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. I am on the Minority Report and I'm there because I do not vote for, affirmatively for, synthetic pesticides being sprayed from the air. And so, Mr. Speaker, if it pleases the House, I request a roll call.

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

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

The SPEAKER PRO TEM: 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. 46

YEA - Austin, Battle, Beck, Beebe-Center, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Chapman, Chenette, Corey, Crafts, Daughtry, Davitt, DeChant, Dillingham, Dion, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Foley, Fowle, Fredette, Frey, Gerrish, Gideon, Gillway, Ginzler, Golden, Grant, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Kornfield, Kruger, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin R, Mastraccio, McCabe, McClellan, McElwee, McLean, Nadeau, Noon, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sanborn, Saucier, Sawicki, Schneck, Seavey, Short, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Beavers, Brooks, Bryant, Burstein, Chipman, Cooper, Devin, Doore, Dunphy L, Farnsworth, Farrin, Fecteau, Gattine, Gilbert, Goode, Grohman, Hamann, Harlow, Hickman, Hobbins, Jorgensen, Kumiega, Lajoie, Martin J, McCreight, Melaragno, Monaghan, Moonen, Morrison, O'Connor, Powers, Rotundo, Rykerson, Shaw, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

ABSENT - Blume, Russell, Sanderson, Sherman, Mr. Speaker.

Yes, 101; No, 45; Absent, 5; Excused, 0.

101 having voted in the affirmative and 45 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED.**

The Bill was **READ ONCE.**

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** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)** on Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County

(S.P. 47) (L.D. 114)

Signed:

Senators:

WILLETTE of Aroostook
WOODSOME of York

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
DOORE of Augusta
EVANGELOS of Friendship
GREENWOOD of Wales
NADEAU of Winslow
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-53)** on same Resolve.

Signed:

Senator:

LIBBY of Androscoggin

Representative:

BRYANT of Windham

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-52)**.

READ.

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

On motion of Representative GIDEON of Freeport, **TABLED** pending the motion of Representative MARTIN of Sinclair to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR First Day

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

(S.P. 338) (L.D. 958) Bill "An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 51) (L.D. 118) Bill "An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-55)**

(S.P. 91) (L.D. 253) Bill "An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)**

(S.P. 160) (L.D. 431) Bill "An Act To Strengthen the Laws Prohibiting Stalking" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)**

(S.P. 267) (L.D. 737) Bill "An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)**

(S.P. 284) (L.D. 810) Bill "An Act To Allow the Synchronization of Prescriptions" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-57)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence.

BILLS IN THE SECOND READING House as Amended

Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees

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

(H. "A" H-87 to C. "A" H-52)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-52) as Amended by House Amendment "A" (H-87)** thereto.

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

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

Representative KRUGER: Thank you, Mr. Speaker, Men and Women of the House, this bill is a result of more than a year of work by OPEGA and the Government Oversight Committee in the wake of serious lapses at the Maine Center for Disease Control.

You'll remember the headlines about a "shredding scandal" after budget cuts caused reallocation of funds from the Fund for a Healthy Maine. This legislation is designed to strengthen and more evenly apply ethics standards in the Executive Branch, which we found to be inconsistent and, in some places, virtually nonexistent. The bill directs the Department of Administration and Financial Services to take action to strengthen ethics practices and procedures for Executive Branch employees.

Ultimately, the goal is to make it easier for state employees to find answers when questions of ethics arise in the course of their work. The amendment reduces the cost to a single position and extends the report back deadlines to make it easier on that agency. Many states do better with less than that as this comprehensive approach by OPEGA reveals.

The Legislature has ethical guidelines and the Judicial Branch has ethical guidelines. As the OPEGA review shows clearly, the Executive Branch ethics needs a tune-up and this bill provides for that. Comprehensive ethics guidelines are not a luxury we cannot afford. I hope you agree that ethics are an essential part of governance and will vote on LD 6 accordingly. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (H-52) as Amended by House Amendment "A" (H-87) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 47

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Wood.

NAY - Black, Crafts, Dillingham, Dunphy L, Farrin, Greenwood, Guerin, Long, O'Connor, Sawicki, Timberlake, Wallace, Winsor.

ABSENT - Blume, Russell, Sherman, Mr. Speaker.

Yes, 134; No, 13; Absent, 4; Excused, 0.

134 having voted in the affirmative and 13 voted in the negative, with 4 being absent, and accordingly the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-52) as Amended by House Amendment "A" (H-87)** thereto and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend the Requirement for a Certificate of Title for Junk and Scrap Automobiles and Vehicles

(S.P. 188) (L.D. 520)
(C. "A" S-37)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act Regarding Community Paramedicine Pilot Projects

(S.P. 222) (L.D. 629)
(C. "A" S-32)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Require Payment by a Carrier for Health Care Services Provided to Enrollees of the Carrier

(S.P. 58) (L.D. 124)
(C. "A" S-47)

An Act To Add Certain Capital Goods to the Product Stewardship Exclusions

(S.P. 65) (L.D. 190)

An Act To Prevent Organized Retail Crime

(S.P. 125) (L.D. 310)
(C. "A" S-30)

An Act To Allow a Moose Permit To Be Transferred to a Family Member

(S.P. 141) (L.D. 373)
(C. "A" S-42)

An Act To Continue the Visual and Digital Media Loan Program and the Visual and Digital Media Loan Fund

(S.P. 145) (L.D. 377)

An Act To Create the Sex Offender Management and Risk Assessment Advisory Commission

(S.P. 147) (L.D. 379)
(C. "A" S-31)

An Act To Allow a Motor Vehicle Excise Tax Credit for a Vehicle No Longer in Use

(S.P. 173) (L.D. 444)

An Act To Amend the Law Concerning Motor Vehicles at Railroad Crossings

(S.P. 198) (L.D. 529)
(C. "A" S-46)

An Act To Allow the Retrofit of Underground Oil Storage Tanks

(S.P. 257) (L.D. 727)
(C. "A" S-48)

An Act To Make Technical Changes to Maine's Marine Resources Laws

(S.P. 260) (L.D. 730)
(C. "A" S-41)

An Act Regarding Ethanol Motor Fuel

(H.P. 558) (L.D. 824)
(C. "A" H-74)

An Act To Amend the Maine Property Insurance Cancellation Control Laws

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

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

Resolves

Resolve, To Ensure Appropriate Personal Needs Allowances for Persons Residing in Long-term Care Facilities

(H.P. 73) (L.D. 90)
(C. "A" H-65)

Resolve, To Study Options for a State Demand Response Program

(H.P. 244) (L.D. 357)
(C. "A" H-75)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism"

(H.P. 834) (L.D. 1216)

- In House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** on April 2, 2015.

- In Senate, **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

TABLED - April 28, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - Motion of Speaker EVES of North Berwick to **INSIST**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **INSIST**.

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

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative FREDETTE: Thank you, Mr. Speaker. Mr. Speaker, in our conversations in our caucus in regards to this bill, there seemed to be a little bit of confusion in regards to the underlying purpose of the bill in regards to whether or not it was more driven towards issues regarding probate court and/or those issues regarding persons with intellectual disabilities. My understanding is, is that we believed it had more to do with probate issues and, therefore, we thought it would be more appropriate that it go to the Judiciary Committee. To the extent that either the author of the bill or someone with further knowledge on that could provide clarification, that'd be helpful.

The SPEAKER PRO TEM: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative GATTINE: Thank you, Mr. Speaker, a response to the question from my friend from Newport, again the underlying issue in this bill is the functioning of a process within the Department of Health and Human Services impacting the rights of people with intellectual disabilities, processes and procedures that have been in place for many, many years. You know, I think it is clearly within the jurisdiction and the oversight of the Health and Human Services Committee, and I believe that's the appropriate committee for this matter to be decided.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 48

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, 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, Nutting, Peterson, Pierce T, Pouliot, Powers, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Short, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Wallace, Warren, Welsh.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farnsworth, Farrin, Foley, Fredette, 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, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sirocki, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Blume, Russell, Sherman, Mr. Speaker.

Yes, 85; No, 62; Absent, 4; Excused, 0.

85 having voted in the affirmative and 62 voted in the negative, with 4 being absent, and accordingly the House voted to **INSIST**.

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

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

- In House, **REFERRED** to the Committee on **JUDICIARY** on April 16, 2015.

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

TABLED - April 28, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION**.

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

The SPEAKER PRO TEM: Is there any objection to all matters having been acted upon being sent forthwith? The Chair recognizes the Representative from Newport, Representative Fredette and requests which item the Representative's objecting to.

The Speaker Pro Tem inquired if there was objection to sending all matters having been acted upon **FORTHWITH**.

Representative FREDETTE: Thank you, Mr. Speaker Pro Tem, I would request that item number 14 be held. Item LD 1216 be held and item LD 1342 be held.

Representative FREDETTE of Newport **OBJECTED** to sending all matters **FORTHWITH**.

The SPEAKER PRO TEM: The Chair would remind the member that that motion is out of order as the member has not voted on the prevailing side. There being no objections, ordered sent forthwith.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative FREDETTE: Thank you, Mr. Speaker, my understanding is on item LD 1342, item number 15, that went under the hammer, is that correct?

The SPEAKER PRO TEM: The Chair would respond in the affirmative, and item 15 will be held at the Representative's request. And the Chair is in error. Thank you, Representative.

Representative FREDETTE: Thank you, Mr. Speaker.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-95)** - Committee on **TAXATION** on Bill "An Act To Provide Tax Credits for Adult Day Care and Respite and Hospice Care"

(H.P. 536) (L.D. 787)

TABLED - April 29, 2015 (Till Later Today) by Representative GOODE of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative GOODE of Bangor moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report.**

Representative TIMBERLAKE of Turner **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 PRO TEM: The Chair recognizes the Representative from Portland, Representative Harlow.

Representative **HARLOW**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just want to take a couple minutes to explain. This is my bill and I just wanted to explain it briefly.

I put this bill in because there is a tax credit currently for daycare, and so that helps the younger caregivers. And since this chamber seems to be looking at different ways that we can help our aging population, and looking at it as a priority, I thought it would make sense that we would expand the same tax credit that we give to younger caregivers, to older caregivers, and to expand this to adult daycare.

The impetus for the bill is because my dad has severe dementia, and I was thinking of ways that it could help other people in my mom's situation as his primary caregiver. And this will not benefit my family, but I just wanted to point that out. And, I would argue that it costs \$65,000 for a nursing home. So if someone is keeping a person at home and they're paying for respite care, don't they deserve a slight tax credit with a cap of \$500, just like younger caregivers get? Thank you, Mr. Speaker.

Representative GOODE of Bangor moved that the Bill be **TABLED** until later in today's session pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended Report.**

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative GOODE of Bangor 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 PRO TEM: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Mr. Speaker, would it be a proper motion to withdraw my motion to Table the item, and save us the roll call on the Tabling and we can move forward with a vote on the bill?

The SPEAKER PRO TEM: The Chair would respond only if the member from Newport, Representative Fredette, withdraws his motion for a roll call.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Point of clarification. By withdrawing my motion for a roll call on the motion to Table, simply means we will go forward with a roll call on the underlying motion, is that correct?

The SPEAKER PRO TEM: The Chair would answer in the affirmative. The pending question would be Acceptance of the Minority Report.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker, I would, therefore, withdraw my request for a roll call.

Subsequently, Representative FREDETTE of Newport **WITHDREW** his **REQUEST** for a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker, I wish to withdraw my motion to Table the bill.

Subsequently, Representative GOODE of Bangor **WITHDREW** his motion to **TABLE** until later in today's session pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended Report.**

The SPEAKER PRO TEM: 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. 49

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

NAY - Bickford, Chace, Crafts, Seavey, Skolfield.

ABSENT - Blume, Russell, Sherman, Mr. Speaker.

Yes, 142; No, 5; Absent, 4; Excused, 0.

142 having voted in the affirmative and 5 voted in the negative, with 4 being absent, and accordingly the Minority **Ought to Pass as Amended Report** was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-95)** 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" (H-95)** and sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 510)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 5, 2015 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

Bill "An Act To Assist Low-income Electricity Consumers"

(S.P. 511) (L.D. 1382)

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

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

Bill "An Act To Attract Young People to Maine by Expanding the Job Creation Through Educational Opportunity Program"

(S.P. 512) (L.D. 1383)

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

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

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

On motion of Representative FREDETTE of Newport, the House adjourned at 11:17 a.m., until 10:00 a.m., Tuesday, May 5, 2015, pursuant to the Joint Order (S.P. 510) and in honor and lasting tribute to Doris C. Pollard, of Otis, Cynthia Douglas, of Dedham and Margaret Smith Pierce, of Mercer.