

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 MAINE
LEGISLATURE
FIRST REGULAR SESSION
46th Legislative Day
Thursday, May 21, 2015

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

Prayer by Reverend Susan Reisert, Old South Congregational Church, UCC, Hallowell.

National Anthem by Honorable Scott M. Hamann, South Portland.

Pledge of Allegiance.

Doctor of the day, Kenneth Christian, M.D., Holden.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 499)

**JOINT RESOLUTION MAKING APPLICATION TO THE
CONGRESS OF THE UNITED STATES CALLING A
CONSTITUTIONAL CONVENTION TO PROPOSE AN
AMENDMENT TO THE UNITED STATES CONSTITUTION TO
REQUIRE A BALANCED FEDERAL BUDGET AND FURTHER
FISCAL RESTRAINTS**

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; and

WHEREAS, with each passing year, this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

WHEREAS, the annual federal budget is a continual demonstration of an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

WHEREAS, unified budgets do not reflect actual spending because of the exclusion of special outlays that are neither included in the budget nor subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation that results from this policy, is the greatest threat that faces our nation, we firmly believe that constitutional restraint is necessary to bring about the fiscal discipline needed to restore financial responsibility; and

WHEREAS, we believe action on amendments to the United States Constitution concerning federal expenditures to be vital; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing an amendment to the United States Constitution requiring that, in the absence of a national emergency, the total of all federal outlays

made by the Congress of the United States for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year, together with any related and appropriate fiscal restraints; and be it further

RESOLVED: That this application is to be considered as covering the same subject matter as the presently outstanding balanced budget applications from other states, including but not limited to previously adopted applications from Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Ohio, Nevada, New Hampshire, New Mexico, North Carolina, Pennsylvania, South Dakota, Tennessee, Texas and Utah; and this application must be aggregated with same for the purpose of attaining the two-thirds of states necessary to require the calling of a convention for proposing amendments, but may not be aggregated with any applications on any other subject; and be it further

RESOLVED: That this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least two-thirds of the several states have made applications on the same subject. It supersedes all previous applications by this Legislature on the same subject; and be it further

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

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

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

Non-Concurrent Matter

Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services"

(H.P. 124) (L.D. 166)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on May 14, 2015.

Came from the Senate with the Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 161)

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

May 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. 546 An Act To Assist Individuals To Obtain a Permit To Grow and Sell Water Spinach

Criminal Justice and Public Safety

L.D. 573 An Act To Provide for Annulment of Certain Arrest Records and Expungement of Certain Confidential Criminal History Record Information

Education and Cultural Affairs

L.D. 130 An Act To Exempt Certain Established Public Prekindergarten Programs from New Regulations

L.D. 218 An Act To Support Fair Financing in Charter Schools and School Administrative Units (EMERGENCY)

L.D. 380 Resolve, To Establish a Working Group To Aid with the End of Student Hunger (EMERGENCY)

L.D. 391 Resolve, To Create a State-run Virtual Academy Providing Maine Students with Access to Online Learning through Their Existing School Districts (EMERGENCY)

L.D. 579 An Act To Allow Teachers To Teach and Students To Learn by Amending the Laws Governing Education Standards

L.D. 601 An Act To Clarify the Authority of Individualized Education Plans in Relation to Proficiency-based Diplomas

L.D. 749 An Act To Ensure Integrity in Students' Proficiency

L.D. 1118 Resolve, To Establish the Study Commission on the Social Emotional Learning and Development of Maine's Young Children (EMERGENCY)

L.D. 1153 An Act To Restore Local Control of Education to Towns

L.D. 1198 An Act To Improve Representation on the Board of Trustees of the University of Maine System

L.D. 1207 Resolve, To Implement an Online Professional Development Platform for Teachers and Educators

Health and Human Services

L.D. 832 An Act To Improve Public Health in Maine

Inland Fisheries and Wildlife

L.D. 158 Resolve, To Direct the Department of Inland Fisheries and Wildlife To Modify Fishing Rules for Webster Stream in Piscataquis County

L.D. 906 Resolve, To Review Maine's Fish Stocking Rules

Judiciary

L.D. 735 An Act To Establish a Voluntary Preforeclosure Mediation Program

Labor, Commerce, Research and Economic Development

L.D. 1187 An Act To Specify the Record-keeping Requirements for Social Workers

Marine Resources

L.D. 800 An Act To Prevent Passage of Alewives through the Grand Falls Dam on the St. Croix River

State and Local Government

L.D. 406 An Act To Increase the Salaries of the Governor and Legislators

L.D. 857 An Act To Prohibit Public Endorsement of Candidates for Office by County Employees and Elected Officials

Transportation

L.D. 41 An Act To Require the Inspection of Certain Vehicles Used To Transport Members of the General Public

Veterans and Legal Affairs

L.D. 1189 An Act To Make Certain Local Primaries Nonpartisan

Sincerely,

S/Robert B. Hunt

Clerk of House

READ.

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, to say it's been a bumpy road getting this bill to the finish line is an understatement. You may ask me why I rise to speak on a unanimous Ought Not to Pass Report out of committee. Well frankly, I couldn't resist to tell a fish story that so many of you folks have been curious about.

LD 800 is about river herring, better known as alewives. Alewives are sea-run fish that spend the majority of their lives at sea, but return to fresh water to spawn. LD 800 would've prevented the passage of alewives from the Grand Falls Dam located on the upper St. Croix River. The majority of the upper St. Croix lies in my district, and is some of the most beautiful waters in all of Maine. The guides and the commercial sporting camps in the upper St. Croix River Watershed of Washington County are critically dependent upon its healthy freshwater fisheries, as is the local economy. From hiring the help to buying supplies, it supports this remarkable, world renowned type of tourism. I trust the men and women that fish and make their livelihoods on these waters and have for many generation.

This debate has been going on for over 30 years and will continue if we don't find a solution. Last session this area was opened up with the passage of LD 72. Why then put in LD 800? The Grand Lake guides requested that I put this in for them and after studying the information available on both sides of the issue, I believe that the risks to our present fishery and harm it could do to the local economy do not outweigh any benefits that would result with the introduction of alewives in the upper St. Croix River.

River herring was unilaterally introduced back in the 1980's and shortly thereafter the decline of the smallmouth bass, landlocked salmon, lake trout, white perch, whitefish and rainbow smelts happened in some of the lakes in the upper St. Croix. Former State Representative Harry Bailey stated, "The collapse closely correlated with the introduction of large run of sea run alewives that entered these lakes. When the sea run alewives were blocked from their upstream migration due to an act of the Maine Legislature, our freshwater fisheries immediately began to recover."

This remains unsolved today as to how that happened according to a memorandum written by Commissioner Woodcock in 2013. It isn't unresolved to the guides of Grand Lake Stream and others who know those waters. They believe it was the river herring that caused those decline in those lakes. Commissioner Woodcock's memorandum further states, "Emergency management efforts, including prohibition of alewife passage into

Spednic Lake, were implemented in 1987 to address immediate concerns for smallmouth bass resource and economic impact to the guiding community."

The hatchery at Grand Lake Stream supplies over 70 percent of the salmon stock for the State of Maine. Our salmon fish lakes attribute to \$300 to \$450 million in the economy in Maine each year. These waters need to be maintained and managed to ensure the future of our fisheries. These lakes need careful monitoring on what the impact of millions of river herring can have on these waters, as it is limitless to how many river herring can enter these waters.

Today the St. Croix is unregulated and the concerns are not being addressed at this point. With the potential of 22 million alewives coming to this part of the upper St. Croix, one may ask, "How do we solve this issue and not have this bill again next session?" Both commissioners offered, at a public hearing, to form a workgroup to review the scientific data on alewives in the St. Croix. Those findings would then be reviewed by an independent third party before recommendations are made. Then, just maybe, we can put this all to bed and end the debate once and for all. I feel that that is the solution.

Mr. Speaker, I do not request a roll call on this communication. However, I wanted to speak and tell this fish tale. Every bill deserves a voice that is heard even if it's not going to prevail. I also want to thank so many of you in this body that supported me on this David and Goliath journey. Thank you, Mr. Speaker. Thank you Men and Women of the House.

Subsequently, the Communication with accompanying papers was **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 332)

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

May 20, 2015

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

Dear Clerk Hunt:

Senate Paper 197, Legislative Document 528, "An Act To Amend the Laws Regarding the Maine Organ and Tissue Donation Fund," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

0 voted in favor and 34 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 333)

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

May 20, 2015

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

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Direct the Department of Public Safety To Establish a Public Safety Answering Point for the Passamaquoddy Indian Reservation at Indian Township" (H.P. 412) (L.D. 599), in non-concurrence.

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 Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit" (H.P. 974) (L.D. 1428)

Sponsored by Representative MARTIN of Eagle Lake.
(GOVERNOR'S BILL)

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

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative BEAVERS of South Berwick, the following Joint Resolution: (H.P. 973) (Cosponsored by Senator BRAKEY of Androscoggin and Representative: MALABY of Hancock, Senator: HASKELL of Cumberland)

**JOINT RESOLUTION RECOGNIZING MAY AS
FOSTER CARE MONTH**

WHEREAS, National Foster Care Month originated in 1988 when the National Foster Parent Association persuaded the United States Congress to introduce a resolution to proclaim May as National Foster Care Month and to recognize and show appreciation for the tremendous contributions of foster parents across the nation; and

WHEREAS, recognizing a Foster Care Month in Maine provides an opportunity for people to focus their attention on the year-round needs of children and youth in foster care and to raise awareness about foster care and encourages citizens to get involved in the lives of these children; and

WHEREAS, Maine is strongly committed to the important task of ensuring that our children grow up healthy and safe, and boys and girls in foster care too often go without the love, protection and stability of a permanent family; and

WHEREAS, during Foster Care Month, we recognize the foster parents and professionals who work every day to lift up the children in their care toward a bright, productive future; and

WHEREAS, there are many children in Maine who are looking for permanency with caring parents and meaningful, long-term relationships that will help them transition into adulthood; and

WHEREAS, in order to give foster youth the support they need, people in every Maine community are stepping up to serve as mentors, teachers, faith leaders, caseworkers, advocates and kinship caregivers to make a difference; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, pause in our deliberations to recognize May as Foster Care Month and we urge people in Maine to be supportive adults for children in need and we send our appreciation to the countless people who are answering that call to action.

READ.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just want to ask everyone if you haven't considered, to consider the fact that we have a lot of children who need homes in the State of Maine. And you can do that through Department of Health and Human Services.

I also want to call attention that it was rather apropos that this was also on the very same day we're going to take up in Judiciary a bill about the unauthorized custody transfer of children. Thank you.

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise to support this Joint Resolution. According to the foster parent, "the baby has presented no problems in care. He gave up his night feeding at three weeks and is now on a fairly regular four hour feeding schedule. The foster mother really follows demand feedings as the baby has set his own schedule. He is a fairly wakeful child, but not fussy beyond the normal expectations for an infant of his age. Joey has not been seen by the doctor since placement, about five weeks, but there has been no need for special medical attention. The foster mother will arrange for a regular check-up within the coming week.

Both foster parents are giving the baby a great deal of affection and attention, as are also their married daughters who stop in to visit frequently. The boy is accustomed to having other children in the house and to being taken out when the family goes shopping or to church. I think Joey should be placed as soon as possible because of his rapid development and the likelihood he will proceed and progress faster than the average baby."

I am forever grateful to my foster parents, who kept me in their stead for 16 months until "Joey" became "Craig" when my parents adopted me 47 years ago. And so, I encourage anyone who wants to take care of a child in need to do that through the foster care programs in the State of Maine. Thank you very much, Mr. Speaker.

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

On motion of Representative McCABE of Skowhegan, the following Joint Order: (H.P. 976)

ORDERED, the Senate concurring, that the Joint Standing Committee on Inland Fisheries and Wildlife shall report out, to the House, a bill concerning the protection of Maine's outdoor heritage.

READ.

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

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 24)

ORDERED, that Representative Matthea Elisabeth Larsen Daughtry of Brunswick be excused January 13 and 14, March 10 and May 7 for health reasons and legislative business.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused May 14 and 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Frances M. Head of Bethel be excused May 12 and 13 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Erin D. Herbig of Belfast be excused May 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia Hymanson of York be excused May 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David P. Sawicki of Auburn be excused May 19 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses" (H.P. 975) (L.D. 1429)

Reporting **Ought to Pass** pursuant to Joint Order 2015, H.P. 954.

Report was **READ** and **ACCEPTED**. The Bill **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** and sent for concurrence.

Change of Committee

Representative GATTINE from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Definition of 'Health Care Practitioner' in the Maine Health Security Act To Include Pharmacists"

(H.P. 99) (L.D. 141)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Require the Department of Health and Human Services To Distribute Information Regarding Down Syndrome to Providers of Prenatal and Postnatal Care and to Genetic Counselors"
(S.P. 403) (L.D. 1134)

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

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

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

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

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

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Allow Text Messaging for Reporting Emergencies"
(H.P. 439) (L.D. 658)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-158)** on same Bill.

Signed:

Representatives:

CHENETTE of Saco
DAVITT of Hampden

GERRISH of Lebanon
NADEAU of Winslow
WARREN of Hallowell

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)** on Bill "An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools" (EMERGENCY)
(H.P. 472) (L.D. 696)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
PIERCE of Falmouth
TIPPING-SPITZ of Orono

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

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **DEVIN**: Mr. Speaker, thank you very much. Mr. Speaker, Ladies and Gentlemen of the House, in early 2014 the Connections Academy, known in Maine as the Maine Connections Academy, was approved by the Maine Charter Commission. In the fall of 2014, K-12, a company known as K-12, here in Maine known as Maine Virtual Academy, was approved for operation.

This bill simply puts a moratorium on virtual education until we understand how this new paradigm of teaching our students is working. And, in fact, during the discussion of this bill, Miss Shelley Reed, Chairman of the Charter Commission, recognized the problems that virtual charter schools have had throughout the United States. And she said, as a result of that the Charter

Commission required these schools to tweak their rules and their operations.

What this bill does is gives us a timeout to see if those tweaks actually improve virtual schools. They probably will, but we don't know. Virtual schools may operate in a more poorly manner, it might not make any difference, we do not know. What LD 696 does not do: It does not inhibit the operations of either existing virtual school; it does not attempt to dissuade any student or their parents from enrolling in Connections Academy or the Maine Virtual Academy; and it does not pass judgement on virtual education.

What it does do: It simply freezes the number of virtual schools at two to give us an opportunity to determine if this new approach to educating our youth is working. Remember, nothing like this has ever happened in Maine before. It will give us the time to evaluate if the tweaks implemented by the Maine Charter Commission are working for Maine. LD 696 is a prudent and fiscally conservative approach to analyzing and evaluating the progress and success of virtual learning that is being paid by the Maine public taxpayer. Please support LD 696.

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, what this bill does is lose competence in our Maine Charter Commission. They informed us at the time, when we talked about this bill, that they had no intention of putting another virtual charter school in unless it was something different. Every time we've questioned them this year, and they've been before us many times, they've kept their word. And they've gone through trials and tribulations all over. And I have confidence in what they say, and I believe they'll keep their word, that unless there's something extraordinary, they will not be doing another virtual charter. We don't need a law.

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

ROLL CALL NO. 88

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Higgins, 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, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, McClellan, McElwee, Nutting, O'Connor, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dunphy L, Hobbins, Marean, Parry, Sherman.
Yes, 83; No, 63; Absent, 5; Excused, 0.

83 having voted in the affirmative and 63 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-156)** 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-156)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Feed Rural Citizens of the State"

(H.P. 721) (L.D. 1052)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

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

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

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

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass** Report and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Hunters To Wear Hunter Pink Instead of Hunter Orange in October in Recognition of Breast Cancer Awareness Month"

(H.P. 174) (L.D. 242)

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

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

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

Signed:

Representative:

WOOD of Greene

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

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Resolve, To Study the Need for a Standard Formula for the Horsepower of Motors Used on the Lakes and Ponds of the State

(H.P. 395) (L.D. 571)

Signed:

Senator:

DUTREMBLE of York

Representatives:

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

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

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec

Representatives:

CRAFTS of Lisbon
SHORT of Pittsfield

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

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-170)** on Bill "An Act To Protect Taxpayers by Regulating Personal Services Contracts"

(H.P. 800) (L.D. 1166)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

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

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

Signed:

Senators:

WHITEMORE of Somerset
WILLETTE of Aroostook

Representatives:

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

READ.

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

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, LD 1166, "An Act to Protect Taxpayers by Regulating Personal Services Contract" is about making sure that taxpayer dollars are well spent on receiving quality services. The State of Maine, as we all well know, contracts for millions and millions of dollars of services, yet for many of those contracts, very little information is available to us and the general public.

This bill would direct the Department of Administrative and Financial Services and the Bureau of General Services to coordinate with all state agencies and departments to make sure that cost saving information is available on their department's website for the winners of all competitively bid service contracts for the state. This bill would also direct them to establish practices and procedures to make cost savings information available on the department's website and give the director of BGS the authority to do this by rule.

The state, as we all know, currently has a website called, "Maine Open Checkbook," which promotes transparency and accountability. However, this is not always current and lacks information about cost savings that our laws require. We all want, as we well know, our tax dollars to be spent wisely and cost-effectively, and I would urge you, Ladies and Gentlemen, to vote for the pending motion. Thank you.

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

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

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

Representative **TURNER**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the apparent goal of LD 1166 is to make public any cost savings information obtained through the competitive bid process and subsequential renewals. While the goal is admirable, the effort to obtain this information during the award process and for the contract renewals will be considerable. This does create one brand new position.

This bill appears to assume that every Request for Proposal contains essentially the same scope of service as the contract it seeks to replace with a newly awarded contract. In short, it's not always apples to apples comparison. In reality, the scope of services in an RFP may be and often is quite different than it is requests new features or performs matrix in the resulting contracts. Services are continually changing. Calculating savings may not be possible for many contracts, and this bill notes that the savings calculations will need to be adjusted for inflation. The inherent expectation is that state agencies will know what the inflation rate is for their particular service. This information is not always readily available.

The scope of this bill is far reaching, and the results of enacting it will likely to have many unintended consequences, not the least of which would be requirements for additional resources to comply with the resulting rules. Thank you Ladies and Gentlemen. Thank you, Mr. Speaker.

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

Representative **DOORE**: Thank you, Mr. Speaker, Women and Men of the House, a substantial amount of work—hundreds millions of dollars' worth of work—is being done every year with taxpayer's dollars without the same high level of transparency and accountability to the citizens of Maine.

Every year, the State of Maine spends hundreds of millions of taxpayer's dollars on contracted services. The sheer volume of contracts and the amount of money is so high it could be extremely difficult for average Mainers at any given time to easily find out what work is being contracted out, who was chosen to do the work, the terms of the contract, the rate of pay, whether the work was completed to contract specifications, and whether the state actually got its money worth for this contract.

LD 1166 would strengthen the transparency and accountability in state contracts by making cost savings information provided by winners of competitively bid contracts available online for everyone to see. LD 1166 specifically would require a new contract to provide, where applicable, the projected savings of the contract over the state's cost of providing the same service, and also include the amount of savings compared to the previous contractor.

LD 1166 requires contractors whose contracts are renewed or extended for the first time to include details of the expiring contract's cost savings and details on continued cost savings that are below costs in current contracts and adjusted for inflation. LD 1166, Maine people would have the information they'd need, not just to find out what contractor is being paid to do and what the price was, but whether the State of Maine is actually saving money. So I urge you to support LD 1166.

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

ROLL CALL NO. 89

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

DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, 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, Peterson, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Malaby, Marean, Sherman.

Yes, 85; No, 63; Absent, 3; Excused, 0.

85 having voted in the affirmative and 63 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-170) 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-170)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 347) (L.D. 508) Bill "An Act To Amend the Laws Governing the Number of Agency Liquor Stores Allowed in a Municipality" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 815) (L.D. 1182) Bill "An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 144) (L.D. 201) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-180)**

(H.P. 909) (L.D. 1337) Bill "An Act To Fully Fund the Family Caregiver Respite Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)**

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

There being no objection, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 725) (L.D. 1056) Bill "An Act To Improve Snowmobiling in Maine" **WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-179)**

On motion of Representative GOODE of Bangor, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-97)** - Committee on **TAXATION** on Bill "An Act To Prevent Tax Haven Abuse"

(H.P. 235) (L.D. 341)

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

PENDING - Motion of same Representative to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill is an attempt to support small businesses in Maine by leveling the playing field for how we assess taxes on multinational corporations. Right now, we are watching corporate taxes go uncollected because our tax code has not kept pace with creative accounting practices used by many large corporations.

The problem lies in the company's ability to declare their Maine-based profits in a country that has no or nominal taxes, lack of effective exchange of information, a lack of transparency, and no substantial activities. These criteria, as developed by the Organization for Economic Co-operation and Development are how we define a country as a "tax" haven. This bill allows Maine Revenue Services to follow the money and stop this creative accounting from short-changing our state.

The scope of the problem is significant. Last year, the fiscal note for a similar bill said that Maine could collect around \$10 million in a biennium by closing this loophole. Research done by other states that have implemented similar laws have said that many of these countries, the numbers are outrageous. "For example, the Congressional Research Service calculates that the profits of US corporations reported in Bermuda were 645.7 percent of the local GDP." This should alarm us.

A number of states are already implementing this law or laws similar to it. Alaska is implementing it for energy. Montana, Oregon, West Virginia, Rhode Island—not all of them are identical, but many are tackling the problem. The bottom line is when we forego the collection of these taxes, we are forcing local small businesses to pick up the tab and pay more than their fair share for our schools, our roads, and our infrastructure. Please join me in supporting our local hardware stores, our downtown bakeries, our small independent businesses by voting for this bill. Thank you.

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 same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, Men and Women of the House, this proposed legislation, I believe, may potentially do more harm than good for Maine's economy and jobs. The intent is to generate more revenue, tax revenue, for multinationals that may be sheltering profits in other countries. But, to what extent this is happening is very unclear.

I believe that it will place Maine at a disadvantage to attract and retain foreign investment. It may possibly lead to trade disputes and retaliatory legislation, as it arbitrarily black lists certain countries. And my information is that there's only two states in the country that do this now. This kind of measure has never been proposed by any Chief Executive as a sound means to generate more revenue. And I urge you to vote "no."

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I just wanted to rise and outline a few points in the bill that Representative Tipping-Spitz might not have gotten to. I, too, believe that this bill is excellent policy, that will help support small businesses by leveling the playing field, ensuring that multinational corporations can't dodge their taxes through the use of offshore tax havens.

It is true what Representative from Kennebunk, Representative Seavey mentioned about a fiscal note. This bill is estimated to generate \$10 million in revenue. As it stands right now, any company that sells products in Maine pays income tax based on the income that they shelter in other states. And the companies that would be affected by this are companies like Apple or Dell, or Procter & Gamble, and they're going to continue to sell products in Maine because there's a market. That is not going to change.

What would change is that they would no longer be able to hide income and avoid paying taxes in places like Bermuda or Monaco, or the Bailiwick of Guernsey. I don't understand why any company would keep money there to avoid paying taxes. I don't know any small businesses in Maine that hide money in these offshore tax havens. And, I think it is only fair that we would do what states like West Virginia and Montana and Oregon have done. None of those states have had any type of trade dispute or court case that has come against them from expanding their treatment of offshore tax havens.

And I think that \$10 million is money that all of us could use to fill unmet needs. I know that there's been a lot of talk at reducing the income tax. I, personally, care a lot about the Property Tax Fairness Credit, and it seems really difficult to explain to our constituents that we would look the other way when a company hides income that they should be paying income tax on in a foreign company like Bermuda or Monaco. I think that our small businesses pay their fair share and it seems like it doesn't pass the straight face test that you'd be able to put money in the Bailiwick of Guernsey, not pay your income taxes, and we would then not have the money to meet important needs here in our state. 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. 90

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

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, 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, McClellan, McElwee, Nadeau, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Herbig, Marean, Sherman.

Yes, 81; No, 67; Absent, 3; Excused, 0.

81 having voted in the affirmative and 67 voted in the negative, with 3 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-97) 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-97)** and sent for concurrence.

On motion of Representative McCABE of Skowhegan, the following item was **REMOVED** from Unassigned Table:

Bill "An Act To Establish the Affordable Heating from Maine's Forests Fund" (EMERGENCY)

(H.P. 949) (L.D. 1397)

(Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested)

TABLED - May 12, 2015 by Representative McCABE of Skowhegan.

PENDING - **REFERENCE.**

Subsequently, the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, ordered printed and sent for concurrence.

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 Allow a Victim of a Crime To Be Represented by an Attorney at a Sentencing Hearing"

(H.P. 960) (L.D. 1413)

- In House, **REFERRED** to the Committee on **JUDICIARY** on May 14, 2015.

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

TABLED - May 20, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **RECEDE AND CONCUR.**

Bill "An Act Regarding the Treatment of Forensic Patients"

(H.P. 941) (L.D. 1391)

- In House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** on May 6, 2015.

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

TABLED - May 20, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **RECEDE AND CONCUR.**

SENATE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (S-94)** - Minority (6) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Contract Indemnification"

(S.P. 203) (L.D. 587)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-94).**

TABLED - May 20, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report.

Subsequently, Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

Representative **WARD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the concept of this bill is very simple. And here's the question that this bill asks: Do you think that a company, or an entity, should be held responsible for their own actions, when those actions cause damages to another party?

Currently, in many contracts, the entity offering the contract will embed in the details and fine print of their contract legal language that requires the other party to hold the offerer harmless and indemnify them from responsibility for any of their actions that may cause damage. In this situation, usually the offerer has all the power and leverage and the other party needs the contract and will feel compelled to accept these onerous terms, or the accepting party is a small, unsophisticated company without the legal experience or resources to even recognize the risk involved. Once the contract is signed, Mr. Speaker, if the offerer commits an act that damages the other accepting party, the other accepting party is held completely responsible even if the offerer is 100 percent liable.

Mr. Speaker, this isn't fair. And as a professional contractor, I do not put this clause in my subcontracts because I know that it is an unfair clause. Nor, Mr. Speaker, will I accept a clause in my contracts with project owners. I have walked away from several contracts because of this clause. Ladies and Gentlemen of the House, I ask for you also to reject this clause. I ask for you to vote for equity and fairness. I ask for you to level the playing field and vote for the little guy. Thank you, Mr. Speaker.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise to speak in opposition of the pending motion and in favor of the Ought to Pass Minority Report. The intent of this legislation is pretty straight forward. It is truly a basic fairness issue. It simply aims to hold all parties in a construction contract responsible for their own actions by prohibiting one company to contractually shift its own negligence onto another.

As the summary suggests, it would prohibit certain indemnification agreements, including those by which a promisee requires a contracting party to indemnify the promisee from the promisee's own negligence or willful misconduct. Unless you have been subject to indemnification process on a first-hand basis, or had experience with this practice, it's probably very difficult to understand how any company would allow another to contractually compel them to assume risks that don't belong to them.

The fact is, many construction companies often find themselves in situations where they need the work, and to get the work they are required to sign a contract where these types of agreements are included. All construction firms, large to small, agreeing to indemnification terms could be significantly impacted if something were to occur triggering the indemnification process. Agreeing to take responsibility for another company's negligence could be financially disastrous to a contractor.

Mr. Speaker, I've had a lot of experience with subcontractors, worked for some, dealt with many of them in the mill in my 18 years of working in the mill, and many of those contractors, which some of us in this House are very familiar with, that were in the paper industry and understand how this could really financially destroy many of those companies that we were familiar with back then. And that's my concern. In conclusion, Mr. Speaker, by passing this legislation, Maine will be in good company, as over forty states have restricted or prohibited the use of the indemnification process. In fact, there are only a few states that don't have any type of anti-indemnification policies in place. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, this is my 11th year serving in this chamber, and my 13th year in Augusta. And I find myself on the wrong side of this bill. This is the fifth, including the last session, time that similar legislation has been presented and rejected by the committee. There is not a need for this bill.

The bill seeks to shift construction job site safety, responsibility from the construction company to the owner of the job site. A site owner should not be liable for a job site injury of a construction company worker who the owner has no control over. Number three, the bill is designed to help one business, the contractor's, at the expense of another, the owner's, without any evidence that it is needed or the current system is not working. Four, the contractors and the owners can negotiate who will be liable and for how much already. The state should not insert

itself into these negotiations. So, therefore, Mr. Speaker, I will be voting with the minority and making them the majority. Follow my light. This bill should not pass. Thank you.

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

Representative **FOLEY**: Thank you, Mr. Speaker, like many of you, I got several emails from my town managers regarding this issue. The MMA has come out against this bill. I sent a letter, as a selectman, I sent the notice to my town attorney and asked for her opinion on this matter, and the email I got back from her says,

"As drafted, it looks like the language proposed in LD 587 is intended only to limit the indemnification language that would require a contractor to indemnify a municipality, or the contracting party, for its own misconduct and not that of the contracting party. Practically speaking, I don't think this bill would prohibit municipalities from negotiating broad indemnification provisions so long as they did not require the contractor to indemnify the municipalities for their own negligence or misconduct or that of the municipality employees, or its agents." Therefore, Mr. Speaker, I will oppose the motion.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, it's not often that one of the biggest employers in my community, the Sappi Mill, comes down to meet with me on issues. But this is an issue, year after year, when it comes up, they come down to oppose this issue. They meet with me. They share the concerns of our municipalities. So, I encourage everyone to follow our municipalities, to follow our large employers, and vote for the Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, as the Representative from Newfield mentioned, this is the fifth time that we've seen this piece of legislation and it's never passed because it's not good legislation. This bill is designed to shift job site responsibility to the owner from the contractor. As was mentioned, the Maine Municipal Association is not okay with this. Pulp and Paper is not okay with this. And homeowners should not be okay with this. Contractors and owners can currently negotiate who is liable and for how much. The state shouldn't insert itself in those negotiations. I urge you to support the pending motion.

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

Representative **HICKMAN**: Thank you, Mr. Speaker, at nine o'clock this morning my town manager emailed me this very simple question: "I am wondering why the Legislature wants to put their collective noses in this issue." Thank you, Mr. Speaker.

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

ROLL CALL NO. 91

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Grohman, Hamann, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau,

Noon, Peterson, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, White, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgcomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Short, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Marean, Sherman.

Yes, 89; No, 60; Absent, 2; Excused, 0.

89 having voted in the affirmative and 60 voted in the negative, with 2 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-151)** - Minority (2) **Ought Not to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Length of Service Award Program"

(H.P. 122) (L.D. 164)

TABLED - May 20, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-151)** was **READ** by the Clerk.

Representative EVANGELOS of Friendship **PRESENTED House Amendment "A" (H-177)** to **Committee Amendment "A" (H-151)**, which was **READ** by the Clerk.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker. Before I speak briefly, I wanted to recognize Representative Maker and Representative Theriault for their work supporting this project. Representative Theriault happens to be the Fire Chief of the China Village Fire Department as well.

The reason why I presented this amendment, the fire chiefs and firefighters came to me and were worried about the bill dying on the Appropriations Table, so I've stripped the funding provision out of the bill so that it won't cost the state any money. But, passage of the bill will set the structure in place for the Length of Service Award Program. It's one of the tools we can use to attract more volunteers into our volunteer fire departments, especially in the rural areas. A lot of them are in crisis, and I submitted a article around to your desks today from the *Central Maine Sentinel* outlining these problems.

I think a lot of us are well aware of it, and I know, Mr. Speaker, you, as well as others, are concerned about the problem they're also working on. I appreciate that. So, by putting this structure in place, it will allow volunteer firefighters to make contributions into their own little length of service or pension fund. And also, it would be voluntary on that part of any

community that wanted to support their volunteers. They don't have to; there's no cost to the towns.

I'm a little disappointed in Maine Municipal Association. They weren't accurate in their presentation of the testimony. There is no unfunded mandate here. This doesn't cost the towns a penny. The plan is entirely voluntary. And by stripping out the state funding portion of the bill, the state is free and clear. We can revisit this in another year when the fiscal condition improves for the state, and hopefully we can help these fire departments out by making a small contribution on the state side.

The original proposal called for a surcharge on the sales tax of fireworks because fireworks cause injuries and fires, and this bill addresses both volunteer ambulance and firefighters. So, I hope you'll support the bill. It had good bipartisan support, very similar to a bill that Representative Maker provided leadership on in the last session. And I hope you'll join us today in passing this. Thank you very much.

Subsequently, **House Amendment "A" (H-177)** to **Committee Amendment "A" (H-151)** was **ADOPTED**.

Committee Amendment "A" (H-151) as Amended by **House Amendment "A" (H-177)** thereto was **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-151)** as Amended by **House Amendment "A" (H-177)** thereto and sent for concurrence.

SENATE PAPERS

Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"

(S.P. 538) (L.D. 1430)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Help Facilitate New Career Opportunities and Attract Major Private Investment"

(S.P. 539) (L.D. 1431)

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.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)** on Bill "An Act To Allow a Sales Representative To Serve Spirits or Wine at a Tasting Event"

(H.P. 251) (L.D. 364)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor
TURNER of Burlington

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

Signed:

Senator:

PATRICK of Oxford

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-175)** Report.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-175)** was **READ** by the Clerk.

Representative MALABY of Hancock **PRESENTED House Amendment "A" (H-185)** to **Committee Amendment "A" (H-175)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-175) as Amended by House Amendment "A" (H-185) thereto was **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-175) as Amended by House Amendment "A" (H-185)** thereto and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 537)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 26, 2015 at 10:00 in the morning.

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

READ and **PASSED** in concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-172)** on Bill "An Act To Support Family Caregivers in the Workforce"

(H.P. 659) (L.D. 960)

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

READ.

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

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

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

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, under current Maine law, unpaid Family Medical Leave may be taken by an employee to care for a child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition. This bill would simply add grandparent and great grandparent to the list, and further provide that Family Medical Leave may be taken in connection with a serious health condition experienced by any of those listed individuals related to the employee by blood, adoption, legal custody, marriage or domestic partnership.

For the last seven years of my mother's life, her eight children, their spouses, and grandchildren shared in her care at various times. When she had surgery and needed help with daily activities in her home, we were there to help out. Throughout those years of intermittent need, sorry, she was able to stay in her own home because she had us. It was only in the last eight weeks of her life that she was forced to finally leave her home and enter an assisted living facility.

Since there were so many of us, it was not necessary for any one of us to request leave from work under the Family Medical Leave Act, but not everyone is so fortunate. As the boomer generation ages and lives longer, it becomes more and more likely our grandchildren, in-laws, or even great grandchildren may want to aid in our care. There are working grandparents raising their grandchildren right now and it makes sense to include them in the equation of family care by allowing them to take unpaid time off from their jobs without fearing the loss of that job.

Allowing more family members the ability to participate in the care of their loved one without penalty will also keep seniors in their homes longer and out of nursing homes. I hope you will consider this simple, common-sense change to the Maine Family Medical Leave Act and support seniors and family caregivers in

the workforce by your vote in favor of the Ought to Pass as Amended motion on the floor. Thank you, Mr. Speaker.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to speak in favor of the pending motion before us today. I would just like to tell members of this body, and tell folks listening that I think this is an excellent bill. I think that we're seeing a lot of changes in our state.

In my lifetime, it's become very normal and commonplace to have dual-income families. That's just the economic reality now, is more and more people who need to both work in their families to get by. And that's causing some major changes. We've also seen major changes in the role that grandparenting takes place in our society. I think grandparents play a major role in providing care. And we have a lot of folks in our state that are aging that deserve to age with dignity and respect.

I see from my peers, and I see from people that are older than me, that there are major problems with people being pulled in lots of different directions in the workplace. I think it is just so wrong that people have to have divided attention, which means the work that they do in caring for an aging person, we just heard from Representative Mastraccio about, I think, her very personal example.

We know that Maine is the fastest aging state in the country. We know that there's major public value that we all get from the estimated 200,000 people who are informal caregivers in their home. Many of those people are still in the workforce, and I think that any employer, and person in society wants to make sure that when people are doing their jobs and taking care of their family that they can focus and be present and be engaged in what they're doing.

To have a person be able to ask for unpaid leave to take care of somebody that's aging or passing away or trying to stay in their home seems like it's the fair thing to do. It's not something that I would want to vote against. I'm excited that this bill is before us. I'm excited that Mr. Speaker is doing a lot of work on this entire area. I would just say that my 84-year-old grandmother still lives at her home on Hogan Road. She has helped care for myself and my four other cousins. She has great-grandchildren that she takes care of. And my parents divide their time making sure she can go get her haircut, go to the grocery store, get around town and do things, and I just think there's a lot going on in society around how we treat older people and how we make sure that dual-income families can get ahead. They're all tied together. I think this bill is a part of that. And I hope all of you vote for it.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, next month I'll be 82 and I'm going to need all the help I can. So vote for this bill.

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, this bill is opposed by Maine small business community. I want to share with members of the House the testimony from the Maine State Chamber of Commerce and the National Federation of Independent Business.

The Chamber's testimony declares that LD 960 would dramatically expand the definition of "immediate family member" under Maine's Family Medical Leave Act to include caring for a serious health condition of "grandchildren, grandparents, and

great-grandparents who are related to the employee by blood, adoption, legal custody, marriage or domestic partnership..."

The federal FMLA does not provide coverage for this class of individuals. At the committee's April 9th work session, it became clear that only a handful of states extend this type of leave protection to these individuals, and where they do, the coverage is substantially more limited. In other words, Maine will be, we will be the only state in the nation with this sort of legislation if we pass this.

Quoting again, "Despite the well-intended nature of the bill, passage of LD 960 would be an administrative nightmare for Maine employers. Human resource professionals around the state continually point to the existing workplace challenges" of FMLA, "ensuring proper utilization, administration, tracking, and monitoring the use of FMLA leave—as one of the most burdensome reporting tasks employers must undertake. It is important to note that these comments come from HR professionals who work in a company to ensure compliance, and who are working for companies large enough to warrant in-house HR departments.

"In addition, Maine's FMLA extends to small businesses—those with 15 or more employees. The likelihood that these employers have an onsite HR department is small. They are forced to deal with compliance with our existing law on their own. Layering another dozen to two dozen newly-eligible covered family members, at a minimum, could easily become unworkable."

The National Federation of Independent Business submitted testimony. From the State Director: "I am writing on behalf of the thousands of small business owners throughout Maine who are members of NFIB to express opposition to this legislation... Maine law, with its private sector threshold of 15 or more employees, is already more sweeping than most other states... Small business owners tell me that they treat their employees like family and do what they can to accommodate an employee's needs to take time away to attend to personal business, regardless of whether the small employer is covered by the law or the particular leave is covered. These small employers also worry about being able to run their businesses successfully, meet the expectations of customers or deadlines demanded in contracts. Small employers by definition do not have the same workforce flexibility of larger firms, which means employee absences are felt more acutely. LD 960 is well-intentioned but adds to the workforce and labor law complications of thousands of small employers." Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the real burden is not on businesses having to track and report this information. The real burden is individuals having to choose between their job security and the ability to care for their loved ones when they are the only one that might be able to care for someone in the time of need.

I stand in favor of the pending motion as a young person who is the only person in my immediate family that currently helps and cares for my grandmother, who is living at home and is undergoing foreclosure, and really needs young people to help and support her. And I think that's the case for many people across the state as our population continues to become older and older. So, I think you should keep in mind the burden that's been placed on individuals choosing between their loved ones and their job security, not whether or not this is difficult to track. 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 as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 92

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

NAY - Austin, Black, Buckland, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Kinney M, Lockman, Long, Lyford, Malaby, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Vachon, Wallace, Ward, White, Winsor.

ABSENT - Fredette, Marean, Sherman.

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

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

The Bill was **READ ONCE. Committee Amendment "A" (H-172) 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-172)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-174)** on Bill "An Act To Fund HIV, Sexually Transmitted Diseases and Viral Hepatitis Screening, Prevention, Diagnostic and Treatment Services" (H.P. 442) (L.D. 661)

Signed:

Senators:

HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
STUCKEY of Portland
VACHON of Scarborough

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

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

SANDERSON of Chelsea

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-174) 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-174)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Anadromous Fish Passage through Beaver Dams" (H.P. 526) (L.D. 773)

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

SHAW of Standish
ALLEY of Beals
COREY of Windham
CRAFTS of Lisbon
HILLIARD of Belgrade
MARTIN of Sinclair
REED of Carmel
SHORT of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)** on same Bill.

Signed:

Representatives:

LYFORD of Eddington
WOOD of Greene

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

READ.

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

CONSENT CALENDAR

First Day

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

(H.P. 323) (L.D. 484) Bill "An Act Regarding the Confidentiality of Railroad Carrier Cargo" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-181)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

On motion of Representative REED of Carmel, the House adjourned at 12:11 p.m., until 10:00 a.m., Tuesday, May 26, 2015, pursuant to the Joint Order (S.P. 537) and in honor and lasting tribute to Sandra Marie Weygandt, of West Bridgton, Wayne S. Newbegin, of Standish and the Honorable Theodore Curtis, Jr., of Orono.