

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
47th Legislative Day
Tuesday, May 26, 2015

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

Prayer by Reverend Gerald Scribner, North Saco Congregational Church (UCC).

National Anthem by Honorable Craig V. Hickman, Winthrop.

Pledge of Allegiance.

Doctor of the day, Beth Rockcross, M.D., Bangor.

The Journal of May 21, 2015 was read and approved.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Mitchell, who wishes to address the House on the record.

Representative **MITCHELL**: Good morning, Mr. Speaker and Members of the House of Representatives, I appreciate have a few minutes of your time to discuss a very historic, yet grave matter. But first, we want to thank you, the many Members of this House for the show of support to the tribes of Maine. It has truly been a pleasure to work with you all.

The Maine tribes have reached a very critical juncture in our history. As sovereign nations we must find a better path forward; one that respects our inherent tribal authority and allows for all our People to prosper in all areas of their life. And most importantly, one in keeping with our cultural identity and values as Wabanaki Peoples. We acknowledge and appreciate the gestures, the state's gestures, to improve tribal-state relations, and the various processes, forums, and legislative efforts to work cooperatively with the tribes.

But, we find ourselves further and further from self-determination, and a relationship that respects our inherent sovereignty as a Tribal People. We believed that 1980 marked a new era in tribal-state relations, but recently, yet all too familiar events have shown us that that is not the case. Just last month, the leader of this state, your Chief Executive, issued an executive order stating that the tribes, their People, lands and resources are subjects of the state.

We continually find ourselves having to defend basic indigenous rights, such as the right to fish within our territories for our own sustenance. Further, and with the support of the Attorney General, the Chief Executive has declared his intent to veto important legislation affecting the lives of Native People. Specifically, and I was called on this, the implementation of the Violence Against Women's Act. He let me know he was going to veto it if it was approved by this House and the other body. Our gaming initiatives, without even so much as a courtesy of a two week notification, we were given three days, business working days, to prepare ourselves, was overwhelmingly reported out of committee Ought Not to Pass without even notifying me of the work session. So, I don't think there has been enough equitable consideration or attention given.

The SPEAKER: The Chair recognizes the Representative from the Passamaquoddy Tribe, Representative Dana, who wishes to address the House on the record.

Representative **DANA**: Thank you, Mr. Speaker. We can no longer participate in a system that fails to recognize the first People of this territory as distinct tribal nations with inherent powers of self-governance, a system that fails to acknowledge a

government-to-government relationship, and instead continues to perpetuate a paternalistic attitude in an attempt to maintain a guardian-to-ward relationship with the tribes. For the first time since the 1820's, the Passamaquoddy and the Penobscot Nation's Representatives will no longer be taking a seat in this chamber.

We have been reassigned by our Chiefs and our People. As Representatives of our nations, our new focus and responsibilities reflect our inherent sovereignty and promote tribal self-determination. The tribes have been generous and gracious hosts for hundreds of years, and we have a deep understanding of the importance of diplomacy. Our hope is that one day the state will recognize us for who we are and value the tribes as sovereign partners, and engage in a relationship of mutual respect. Until then, we simply must decide our own future. If history has taught us anything, it certainly is that lesson. Thank you, again, for allowing us this time on this very historic day for our tribes.

Speaker **EVES**: The Chair would like to make clear that all Tribal Representatives will be welcome and wanted in this chamber, for the record.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin, who wishes to address the House on the record.

Representative **MARTIN**: Thank you, Mr. Speaker, on the record it is a sad day for us. I was Speaker when we made the effort to change the rules so that Members and Native Americans could sit in this chamber. It was an historic day for Maine and they came here to work with us. I hope, after today, that they'll return to the chamber to be here with us to represent their People. Let us not forget that they were here before us.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe, who wishes to address the House on the record.

Representative **McCABE**: Thank you, Mr. Speaker, for informational purposes those folks wishing to support the tribes at this time may join them in between this building and the Cross Building, as they are holding a rally. I think folks can hear the faint sound of drumming outside. That rally is occurring now and will go on for probably an hour.

SENATE PAPERS

The following Joint Resolution: (S.P. 536)

JOINT RESOLUTION RECOGNIZING THE BELFAST ROTARY CLUB ON ITS 90TH ANNIVERSARY

WHEREAS, in June of 1925, 20 years after the first Rotary Club was formed by Paul P. Harris in Chicago, the Belfast Rotary Club received its charter through the extended efforts of several Belfast residents, including Linwood B. Thompson, who would serve as its first president; and

WHEREAS, for the last 90 years, 90 men and women from the Belfast region have stepped forward to serve as the President of the Belfast Rotary Club to lead its great humanitarian efforts on a local, state, national and international level; and

WHEREAS, for 90 years, hundreds of individual men and women from the Belfast region have come forward to serve as honored members of the Belfast Rotary Club under the motto "Service Above Self"; and

WHEREAS, at the local level, the Belfast Rotary Club has provided annual financial support for international community and student exchanges, established a scholarship program that over the last 32 years has provided over \$425,000 in scholarships, organized and run community events, supported food pantries, brought Christmas gifts to low-income persons in the region and contributed to other charitable and targeted efforts to support those most challenged or in need; and

WHEREAS, today the Belfast Rotary Club proudly works every day with 32,000 Rotary Clubs in over 200 countries around the world; and Rotary International has contributed more than \$900,000,000 to the eradication of polio and annually assists with humanitarian projects in impoverished and threatened regions around the globe; and

WHEREAS, the Belfast Rotary Club stands today as an exceptional example of the generosity, warmth and caring nature of Belfast residents; 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 send our gratitude and appreciation to the Belfast Rotary Club for 90 years of continuous service to the people of the Belfast region, the State and the rest of the world; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Belfast Rotary Club with our congratulations and best wishes.

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

Non-Concurrent Matter

Bill "An Act To Protect Employees from Abusive Work Environments"

(S.P. 63) (L.D. 188)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-101)** in the House on May 20, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Provide a Source of Funding for Drug Abuse Resistance Education"

(S.P. 144) (L.D. 376)

Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** in the House on May 20, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-95)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Buy American-made Products"

(H.P. 273) (L.D. 407)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-141)** in the House on May 20, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Direct the Department of Health and Human Services To Address the Growing Deficit in Room and Board Allowances Paid to Agencies Providing Residential Services to Adults with Intellectual Disabilities or Autism (EMERGENCY)

(H.P. 192) (L.D. 274)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-131)** in the House on May 13, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

COMMUNICATIONS

The Following Communication: (H.C. 162)

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

May 26, 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:"

- Energy, Utilities and Technology
L.D. 1167 An Act To Modernize Maine's Broadband Standards
- L.D. 1323 An Act To Expand Rural Broadband Health and Human Services
- L.D. 133 Resolve, To Establish the Task Force on Independence from Public Assistance (EMERGENCY)
- L.D. 452 An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program

- L.D. 1034 An Act To Prohibit the Use of EBT Cards for Cash Withdrawals
- L.D. 1352 An Act To Facilitate the Delivery of Health Care Services through Telemedicine and Telehealth
- L.D. 1356 Resolve, To Create a Working Group To Ensure a Stable Continuum of Care for Individuals with Intellectual Disabilities and Autism
- Insurance and Financial Services
- L.D. 1264 An Act To Transfer Oversight of the Maine Quality Forum to the Maine Health Data Organization (EMERGENCY)
- Judiciary
- L.D. 346 An Act To Require Shared Parenting of Minor Children When the Parents Separate
- L.D. 349 An Act To Ensure Accountability of Guardians Ad Litem
- L.D. 631 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Guardians Ad Litem
- L.D. 864 An Act To Require Parenting Plans To Be Timely Filed
- Labor, Commerce, Research and Economic Development
- L.D. 1188 An Act To Implement a Rental Assistance Program for Low-income Households and Individuals
- L.D. 1201 An Act To Standardize and Simplify the Process for Employers To Have a Drug-free Workplace Policy
- L.D. 1358 An Act To Support Innovation and Entrepreneurship in Maine through the Start Maine Up Program

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 346)

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

May 21, 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 adhered to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Transportation on Resolve, To Study the Feasibility and Cost of Providing Passenger Rail Service to the City of Bangor (H.P. 806) (L.D. 1174), in non-concurrence.

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

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 347)

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

May 21, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Senate Paper 145, Legislative Document 377, "An Act To Continue the Visual and Digital Media Loan Program and the Visual and Digital Media Loan 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?"

16 voted in favor and 19 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Consolidate the Investigation of Out-of-home Child Abuse and Neglect"

(H.P. 977) (L.D. 1432)

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

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.**

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Gray-New Gloucester High School Cheerleading Team, of Gray, which received the Sportsmanship Award at the State Cheerleading Championship. The Maine Principals' Association instated its annual Sportsmanship Awards Program in 2007 in order to foster sportsmanship in interscholastic activities by publicizing the examples of sportsmanship displayed by Maine's high school competitors. We extend to the Gray-New Gloucester High School Cheerleading Team our congratulations and best wishes;

(HLS 449)

Presented by Representative ESPLING of New Gloucester.

Cosponsored by Representative AUSTIN of Gray, Representative TIMMONS of Cumberland, Senator BREEN of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.
READ and **PASSED** sent for concurrence.

Recognizing:

Kaelyn Woods, of New Gloucester, a junior at Gray-New Gloucester High School, who has won the Class B state freestyle and classic nordic championship. This is the 2nd straight year Kaelyn has won the championship. She has also been named the *Maine Sunday Telegram* 2015 Girls' Skier of the Year. We extend to Kaelyn our congratulations and best wishes;

(HLS 450)

Presented by Representative ESPLING of New Gloucester.
 Cosponsored by Representative AUSTIN of Gray, Senator BREEN of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.
READ and **PASSED** sent for concurrence.

Recognizing:

Maria Valente, of New Gloucester, a senior at Gray-New Gloucester High School, who scored her 1,000th career point in basketball. We extend our congratulations and best wishes to Maria on this achievement;

(HLS 451)

Presented by Representative ESPLING of New Gloucester.
 Cosponsored by Representative AUSTIN of Gray, Representative TIMMONS of Cumberland, Senator BREEN of Cumberland, Senator BRAKEY of Androscoggin.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.
READ and **PASSED** sent for concurrence.

Recognizing:

Kelcie Brown, of Gray, who has earned the distinction of being named Valedictorian of the 2015 graduating class of Gray-New Gloucester High School. We extend our congratulations and best wishes to Kelcie on her receiving this honor;

(HLS 456)

Presented by Representative AUSTIN of Gray.
 Cosponsored by Senator BRAKEY of Androscoggin, Senator BREEN of Cumberland, Representative ESPLING of New Gloucester, Representative TIMMONS of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.
READ and **PASSED** sent for concurrence.

Recognizing:

Ashley Moreau, of Gray, who has earned the distinction of being named Salutatorian of the 2015 graduating class of Gray-New Gloucester High School. We extend our congratulations and best wishes to Ashley on her receiving this honor;

(HLS 457)

Presented by Representative AUSTIN of Gray.
 Cosponsored by Senator BRAKEY of Androscoggin, Senator BREEN of Cumberland, Representative ESPLING of New Gloucester, Representative TIMMONS of Cumberland.

On **OBJECTION** of Representative AUSTIN of Gray, was **REMOVED** from the Special Sentiment Calendar.
READ.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you Mr. Speaker, Ladies and Gentlemen of the House, I rise today to welcome the Gray-New Gloucester cheerleaders to the Capitol. I was able to witness these young ladies and their energy at many of the games this season. I know how much time they put into rehearsing and making sure that their techniques and their maneuvers are executed correctly.

You know there are many ways in life in which we find ourselves thankfully to be successful. These young ladies received the Good Sportsmanship Award at the state competition, and I believe that that makes them very much the winners of our community, and as representatives in the state. Ladies, I have found that once a cheerleader, always a cheerleader. I know you will go on to champion and cheer for many issues and concerns that meet you in the years ahead. You'll be in fine shape to take these challenges on. I congratulate you. Thank you.

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

Representative **ESPLING**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I also wanted to stand and welcome the folks from Gray-New Gloucester. I have children that some are their age and younger, and they participate with the school in many of the activities as they do in athletics and such.

And I just want to thank them for being the role models that they are. They may not realize it yet, but those kids coming up behind them are looking at them and watching them and they are role models to them. And I'm just thankful for the diversity that we have in the group here today with academic achievement, sports achievement, and extracurricular achievements. That just speaks well of the school and all the hard work that they put into helping students be all that they can be in all aspects of their lives. And I stand, I think, with the good Representative from Gray and we're very thankful for the pride that we have in our school system. Their mascot, they are the Patriots, and we take Patriot pride very seriously, so, thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Thank you, Mr. Speaker for your indulgence. I, too, want to say how proud we are. This morning, the Athletic Director and two of the coaches filled the bus, and they were all coming up here to meet you and see this august body here at the Capitol. So, we're very proud of all of these students. I think we all recognize how much they are our future, and how much we will rely on them more and more with each passing day. I want to congratulate them for their hard work, their focus, their dedication, and their accomplishments, and I know that they're going to take those in good stead as they go on to, perhaps, college and as those that are coming back to Gray-New Gloucester High School. As the good Representative from New Gloucester said, these are our role models and we're very proud of them, and all I have to say today is, "Go Patriots!"

Subsequently, the Sentiment was **PASSED** sent for concurrence.

The following item was 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 Thursday, May 21, 2015, had preference in the Orders of the Day and continued with

such preference until disposed of as provided by House Rule 502.

JOINT RESOLUTION HONORING DR. JOHN FITZSIMMONS

(H.P. 469)

TABLED - March 3, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ADOPTION.**

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to speak about the Joint Resolution honoring Doctor John Fitzsimmons this morning, with great pride. Last session, I served on the Joint Select Committee for Maine's Workforce and Economic Future. It quickly became clear that the Maine Community College System is central to our workforce development, and it became even more clear that Doctor John Fitzsimmons would be a key partner in these efforts to improve Maine's workforce and the economic future of Maine people.

John Fitzsimmons built the community college system into the affordable pathway to higher education Maine people so desperately needed. The thousands of graduates from Maine's community colleges have him to thank for the opportunity to gain the skills with which they have built successful careers right here in the state we all love. He was always committed to doing the right thing for the Maine Community College System, even if it wasn't the easy thing.

I knew the first time I was privileged to talk with him about the needs of the community college system, that the students were always his number one priority. Many of you know Gary Crocker who always advocates on behalf of community colleges here in the State House; he's also a good friend of mine. He told me once that of everything he's done in his own life, including naval service in Vietnam, that he is most proud to have helped President Fitzsimmons build the Maine Community College System to assure that it continues to provide affordable access to the technical skills Maine people need.

I know that the Maine Community College system is strong, and with our continued support, it will remain the place where Maine people can access higher education affordably, and in a way that fits their lives. That is the legacy of Doctor John Fitzsimmons. Together we thank him for his tremendous service to the people of Maine, and I look forward to seeing what he turns his considerable energy and talents to next. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I always think it's important in the work that we do here in Augusta, and the work that we do as public servants, is really measured by the people that we affect in our state. And, being the State Representative from House District 100, which includes the towns of Newport, Corinna, Plymouth, Etna, and Dixmont, I can tell you when I attend my graduation at Nokomis Regional High School on graduation night, the long list of students from RSU 19 that opt to take advantage of an education within our community college system. They're taking advantage of those opportunities because they're low-cost, many of them are first-generation college students, they get a quality education, and they're being taught skills that actually provide for jobs in our economy today. Whether it be climbing a pole for Central Maine Power, or other services, nursing degrees, these are real jobs for real people in rural Maine.

I first became aware of Doctor Fitzsimmons back when I worked on John McKernan's reelection campaign, and began to be keenly aware of the important role that the community college was emerging to do in our state at that time. And over two decades, Doctor Fitzsimmons has really brought that system to the point today where it is, in fact, not only competing for those quality students in all of our programs, but it's also providing a pathway for those that don't have the funds to maybe seek a quality 4-year education at our University of Maine System. Whereby, many students are instead opting to do two years at a community college system, getting those credits, getting that degree, and then transferring to the University of Maine System so that they can then get a 4-year degree. That's real opportunity for our children here in Maine, and I think it speaks loudly of the work that he's done over 24 years, of the opportunities that it's provided for those individuals because it's about those individuals that we are here to do.

Over the last five years I'd had the opportunity to work specifically with him on a bond for the community college system, and I specifically remember a need down in York County when democratic Representative Devin Beliveau had a project that he brought forward where there was a real need for real jobs down in York County and he brought that to the Legislature and we brought that to the Appropriations Committee and we created an opportunity for people to have real jobs down in that neck of the woods. And again, it was through his leadership that we were able to do that, and through Representative Beliveau as well.

And so, I really want to say to John, thank you for all that you have done for the people of Maine, but particularly for those young people and those people that have needed retraining, who have needed an opportunity in Maine when if we didn't have our community college system as it exists today, may not have had those opportunities. And that's provided an opportunity for those people to stay here in Maine, and particularly in rural Maine where a lot of people struggle to stay in Maine and they need to have a special skill set to do that. And so for those thousands and thousands and thousands of people, and not only the parents, but those children of those people who wanted to stay in rural Maine, who have had an opportunity to do that because of your leadership, I thank you.

And there's only one thing I can say that leaves me with a smile on my face and that is, is that the community college has done a terrific thing in appointing Derek Langhauser as his Interim President. I think he's doing a terrific job. I think that our community college system is well positioned to move forward into this century and become a growing partner in our education system, and so congratulations President Fitzsimmons.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Rotundo.

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, I've had the pleasure of working with John Fitzsimmons for many years—first on the Education Committee and then on the Appropriations Committee. Like everyone here in this chamber, I have enormous respect for him and an admiration for him. And like everyone in this chamber, I'm very proud of our community college system.

It's been President Fitzsimmons vision, leadership and tenacity that have created this outstanding extraordinary system. He is an exemplary public servant. Doctor Fitzsimmons leaves behind the richest of legacies. He has opened doors for thousands of Maine citizens who through their education have been able to create opportunities for themselves and for their families, and in the process, they have created a stronger economy for the State of Maine. Doctor Fitzsimmons, we wish

you the very best always, and we thank you on behalf of the people of Maine for all that you have done for all of us.

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I would be remiss if I didn't stand in honor of Doctor John Fitzsimmons, and I certainly would not be allowed to return to Washington County if I didn't. He has been a dedicated supporter of our college, Washington County Community College, and has the complete support of its employees, including this retired one.

We, as legislators, often receive emails, letters, texts. By far, I received more on this issue than any other issue in support of Doctor Fitzsimmons. You have led us well, Doctor Fitzsimmons, and I know you will always be there for us if we need you. Thank you for your leadership and services to all of the community college family, the state, and the nation. We all wish you well in all of your endeavors. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBINS**: Thank you, Mr. Speaker, and Women and Men of the House, it gives me great pleasure and privilege to stand before you to recognize Doctor John Fitzsimmons' long and distinguished career in the State of Maine. That goes beyond the community college system.

John Fitzsimmons is a true leader. He is a true leader, not just because of our incredible success, and his incredible success with the community college system, but his lifetime achievements. First, he was a leader when he was a Sergeant in the United States Marine Corps, and served his country and risked his life in Vietnam in 1969 and 1970. He was a leader, as you know, in his educational background with the community college system. But also, I knew John Fitzsimmons when he was Commissioner Fitzsimmons, and served under Governor McKernan during the 80's as the Commissioner of Labor.

He has received numerous distinguished awards in the educational field, the business field, and the educational field. In the business field, Maine State Chamber awarded him the Dirigo Award. The Economic Development Council awarded him the Life Achievement Award. He also has an interesting background, which you might not know about, and that is that in his spare time, in using vacation time, he is Coach Fitzsimmons. He is the head football coach—I bet many didn't hear that before unless you played against him and lost when you played his teams—for the Falmouth Yachtsmen. I think that is a demonstration of someone who also gives to the youth of our state and develop leadership skills among the students of Maine.

On a personal note, I was honored nine years ago to serve for the first time as the York County Legislative Representative on the search committee of our new community college in York County. And it was a real honor to be chosen and it was a real honor to serve. But I saw firsthand his approach, his diligence, in the way he vetted that position, and fortunately Doctor Charles Lyons was recommended by our committee to Doctor Fitzsimmons who chose him to lead York County Community College. He did that in all seven campuses throughout our state. And it's quite a tribute that he has those common skills, those skills to judge people and put people in the right places.

Also, on a personal note, I'm honored that two of my children have attended community college, one of them in order to deal with certain life challenges, and the other one in order to become, get the requisite courses to qualify to become a doctor in chiropractic. Those two decisions that I discussed with Doctor Fitzsimmons as a friend were significant decisions that affected my life. And I know there are thousands of others who have the

same story of John Fitzsimmons. So, Coach, Doctor Fitzsimmons, we wish you well, Mr. President, whatever you decide to do with your life, but keep coaching, but I hope you never play against Cheverus High School. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, Doctor Fitzsimmons and I go back a ways. Long, long, long ago I was a product of my first step to higher education from the old VTI system. It appeared at that point it was sort of misplaced; it was under the Department of Education, and even though it was "higher" it still got kind of lost in the system.

Soon after that, the system was created, and early on there were several presidents of the system that came and went like butterflies. As Commissioner of Labor, Doctor Fitzsimmons was appointed one of the members of the new system's board of trustees. And it was acknowledged by the board that they really needed a stable leader. That stable leader came from the board; it was Doctor John Fitzsimmons, Commissioner of Labor. Soon after that I was asked to be a member of the Board of Trustees for the Maine Technical College System, which was an honor for me, especially having graduated my first steps to higher education from a system that grew into the Maine Technical College System.

After that, John Fitzsimmons, with his very unique leadership style, was able to create a system that has grown from a technical college system, which still struggled because of the fact that they didn't quite fit in to the national narrative of higher education. He got it changed to the Maine Community College System, and then it just took off. John Fitzsimmons is a true leader. And Doctor Fitzsimmons' leadership singlehandedly grew a system to not only be recognized, but to lead our students through the ever-rising need and high cost of education to a point where the Maine Community College System will lead the way to higher education for all our Maine students. So, Fitz, we really appreciate everything you've done, and we are so proud to have had you as a leader in higher education. Thank you.

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'll be brief. I just wanted to say how sad I was when I learned that he was leaving. I so appreciate his heart and soul that he put into the community college system. Of course, I appreciate it mostly in York County because that's where I am, but I know all the other counties have great programs as well. And, he truly seemed to want to help many of our youth who wouldn't get to college otherwise, and hopefully his successors will do the same. And I just want to thank him for all the years he put in.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I rise today to echo many of the comments stated before about Doctor Fitzsimmons, really to highlight his vision, his leadership, and for building the community college system into what it is today. I think we've heard a number of examples today of what it means locally for us.

For me, it means a number of my friends, neighbors, work at the community college down the road. It also means that hundreds of children, thousands of children, and also workers being retrained have the appropriate training that they need to either go into the field that they'd like to go into, or to go on to higher education, maybe at the university system. But it also means that 94 percent of graduates actually stay, live, work in

our communities around the State of Maine. So, really, today I rise to recognize the vision and the leadership that Doctor Fitzsimmons has brought forward. That vision and leadership continues.

It's clear to me when I drive home each day, regardless of which direction I go, I have several options. I could either drive up 201 where I see the amazing growth at the former Goodwill-Hinckley Campus that is now the future of Goodwill-Hinckley, with an expansion of the community college system, or I can drive up to that next exit on 95 and I can see the line workers of the future training on the poles lining 95. And so, today, I say "thank you" to Doctor Fitzsimmons. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, I got to know John when he was Commissioner of Labor, and especially got to know him when he took over as the President of the community college system, originating from a meeting in Presque Isle many years ago. His leadership has brought forth a system that Maine can be very proud of, and I don't want to repeat everything because that's been said, but I concur with everything's that's been said about the quality of the man and the work that he's done for the people of Maine. And my congratulation goes to him.

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

Recognizing:

Ellyn J. Chase, of Hampden, on the occasion of her retirement as Special Assistant to the President of the Maine Community College System. For over 3 decades, Ms. Chase dedicated herself to furthering the mission of Maine's community colleges, first at Kennebec Valley Community College and then, for nearly 24 years, as Special Assistant to Maine Community College System President Dr. John Fitzsimmons. She will be greatly missed by all who have had the good fortune to call her a colleague and friend. We extend to Ms. Chase our appreciation for her service and our congratulations on her retirement;

(HLS 432)

Presented by Representative DAVITT of Hampden. Cosponsored by Senator CUSHING of Penobscot, Senator LANGLEY of Hancock, Senator EDGECOMB of Aroostook, Senator MILLETT of Cumberland, Representative KORNFIELD of Bangor, Representative DAUGHTRY of Brunswick, Representative HUBBELL of Bar Harbor, Representative FARNSWORTH of Portland, Representative TIPPING-SPITZ of Orono, Representative PIERCE of Falmouth, Representative MAKER of Calais, Representative McCLELLAN of Raymond, Representative POULIOT of Augusta, Representative STEARNS of Guilford.

On **OBJECTION** of Representative DAVITT of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Davitt.

Representative **DAVITT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it is my great pleasure to sponsor this special legislative sentiment in recognition of Ellyn Chase of Hampden, Maine. After honoring Doctor John Fitzsimmons for his success in basically creating the community college of Maine, is a time, and a very good time, to recognize a major player in that success.

Ms. Chase will soon be retiring from the Maine Community College System as the Special Assistant to the President. Now,

according to her colleagues, Ms. Chase is special in many ways. Her diligence and dedication has never waned throughout her nearly 25 years of service to the Maine Community College System. Her outstanding abilities to assess relevant issues, identify possible solutions, and attention to detail is remarkable.

We are recognizing Ms. Chase for her integrity, caring, and unselfish contributions she has made to the system, ultimately benefitting thousands of students over the years. Ms. Chase has taken great pride in working for the community college system, and has given an extraordinary part of her life each and every day to serving this wonderful system and the State of Maine. I wish to extend my deepest appreciation to my neighbor, Ms. Chase, for her exemplary work and dedication and I wish her the very best in her retirement. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, we've just spent a little bit of time this morning lauding Doctor Fitzsimmons, and appropriately so, but Doctor Fitzsimmons would be the first to say that no one does these things alone, it takes a team. So, I wish to congratulate Ellyn Chase on her years of service, and I want to thank her for being the tireless supporter and team player that she's been over the last 40 years.

My good friend, Gary Crocker, told me once that after working with the pair of them for 25 years, that every major decision over the last 20 plus years or so was vetted very carefully—an important part of that was to run it by Ellyn. Whenever I had a question for President Fitzsimmons, I knew that the best way to get in touch with him was to directly call Ellyn Chase. They've been a dynamic team along with others, and Ms. Chase supported the work of Doctor Fitzsimmons and the work and the vision that will be sustained long after they have both passed on to retirement. But I suspect that, like Doctor Fitzsimmons, Ellyn Chase has another chapter and I look forward to hearing about her next adventures. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

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

Recognizing:

Robert Coles, 91, of Machias, for his extraordinary valor and service to the United States of America during the Second World War. Mr. Coles, a 30-year veteran of the United States Navy, is one of a dwindling number of American servicemen who, in the early morning hours of Sunday, December 7, 1941, responded to the Japanese attack on Pearl Harbor, Hawaii with unflinching bravery and undeniable heroism. Two weeks shy of his 18th birthday at the time, the Navy radioman leapt into action, firing some of the first rounds at Japanese dive bombers on that pivotal day in American history, and went on to participate in numerous battles and engagements in the Pacific Theater over the next 4 years. We extend our deepest regards to Mr. Coles for his heroic role at Pearl Harbor, and his continued commitment to service throughout the war. We send Mr. Coles our appreciation for his service and sacrifice to the Nation;

(HLS 454)

Presented by Representative TUELL of East Machias. Cosponsored by Senator BURNS of Washington.

On **OBJECTION** of Representative TUELL of East Machias, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **TUELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, it's my great honor to be standing here today to speak to this sentiment. Many of you probably attended a Memorial Day service over the weekend, and for those that did, I thank you very much. I know the men and women who attend those services really appreciate it.

Today, we have a living memorial in our audience. A gentlemen who fought in the Second World War, who fought at a time when many Americans, even back then, questioned whether we should fight, much as people do today. And yet, he was thrust into, probably I dare say with the exception of 9/11, one of the most fluid, tense, gritting, gritty, gut-wrenching situations imaginable. And that is Mr. Robert Coles who has been a resident of Machias since he retired from the military.

Mr. Coles is a very energetic 91-year-old, a proud representative of the United States Navy, and an all-around hero that many of us, quite frankly, cannot, many of us my age especially and younger, cannot fathom. But today, we're here to recognize Mr. Coles and his attendant, his chauffeur if you will, Mr. Dennis Boyd, who drove all the way from downeast Maine to receive this honor. And I would close, not only with a simple "thank you," but with a unofficial announcement to the folks that after session today we'll be doing a little ceremony up in Veterans and Legal Affairs for those who want to attend, along with Chick Ciciotte and the folks from the American Legion, so we'd love to have you when we finish. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit 25 Acres or Less To Be Withdrawn from Taxation as Timberland and Woodland without Penalty

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

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 to Pass as Amended by Committee Amendment "A" (S-102)** on same RESOLUTION.

Signed:

Representative:

HICKMAN of Winthrop

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Create the Crime of Intentional Interference with Business Operations"

(S.P. 383) (L.D. 1096)

Signed:

Senator:

GERZOFKY of Cumberland

Representatives:

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

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

GERRISH of Lebanon
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Create a 9-month Time Limit on General Assistance Benefits"

(S.P. 361) (L.D. 1035)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-85)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

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

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-85)**.
READ.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Change the Type of Rulemaking Required Regarding Persons with Intellectual Disabilities or Autism"

(S.P. 441) (L.D. 1236)

Signed:

Senators:

BRAKEY of Androscoggin
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 to Pass** on same Bill.

Signed:

Representative:

SANDERSON of Chelsea

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

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Resolve, Directing the Department of Inland Fisheries and Wildlife To Amend Its Rules Regarding the Bag Limit on Smelts
(S.P. 437) (L.D. 1232)

Signed:

Senators:

CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

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

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

ALLEY of Beals
MARTIN of Sinclair
SHORT of Pittsfield

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

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

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-104)** on Bill "An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy"

(S.P. 103) (L.D. 289)

Signed:

Senators:

WHITTEMORE of Somerset
BAKER of Sagadahoc
GRATWICK of Penobscot

Representatives:

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

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

Signed:

Representatives:

BECK of Waterville

FOLEY of Wells

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104)**.

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Permit Funds for Prearranged Funerals To Be Invested under a Wider Range of Options"

(S.P. 469) (L.D. 1304)

Signed:

Senators:

BAKER of Sagadahoc

GRATWICK of Penobscot

Representatives:

BROOKS of Lewiston

COOPER of Yarmouth

FOLEY of Wells

MELARAGNO of Auburn

MORRISON of South Portland

PRESCOTT of Waterboro

WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-108)** on same Bill.

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

BECK of Waterville

PICCHIOTTI of Fairfield

TUCKER of Brunswick

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

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-182)** on Bill "An Act To Amend the Laws Regarding Nuclear Power Generating Facilities"

(H.P. 891) (L.D. 1313)

Signed:

Senators:

WOODSOME of York

HILL of York

MASON of Androscoggin

Representatives:

DION of Portland

BABBIDGE of Kennebunk

DUNPHY of Embden

GROHMAN of Biddeford

HIGGINS of Dover-Foxcroft

O'CONNOR of Berwick

WADSWORTH of Hiram

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

Signed:

Representatives:

BEAVERS of South Berwick

DeCHANT of Bath

RYKERSON of Kittery

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)** on Bill "An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers"

(H.P. 788) (L.D. 1150)

Signed:

Senators:

WHITTEMORE of Somerset

BAKER of Sagadahoc

GRATWICK of Penobscot

Representatives:

BECK of Waterville

BROOKS of Lewiston

COOPER of Yarmouth

FOLEY of Wells

MELARAGNO of Auburn

MORRISON of South Portland

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

TUCKER of Brunswick

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

Signed:

Representative:

WALLACE of Dexter

READ.

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

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)** on Bill "An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event"

(H.P. 350) (L.D. 511)

Signed:

Senator:

COLLINS of York

Representatives:

LUCHINI of Ellsworth

DILLINGHAM of Oxford

GOLDEN of Lewiston

KINNEY of Limington

LONGSTAFF of Waterville

MONAGHAN of Cape Elizabeth

SAUCIER of Presque Isle

SCHNECK of Bangor

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

Signed:

Senators:

CYRWAY of Kennebec

PATRICK of Oxford

Representatives:

HANINGTON of Lincoln

TURNER of Burlington

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-176)** 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-176)** 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-176)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 219) (L.D. 626) Bill "An Act Regarding Write-in Candidates in Municipal and City Elections" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-107)**

(S.P. 279) (L.D. 781) Bill "An Act To Eliminate Permits for Turkey Hunting and To Expand Turkey Hunting" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-103)**

(H.P. 916) (L.D. 1347) Bill "An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 441) (L.D. 660) Bill "An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)**

(H.P. 578) (L.D. 844) Bill "An Act To Improve Transit Services Statewide" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-186)**

(H.P. 860) (L.D. 1260) Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-190)**

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

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

(H.P. 616) (L.D. 897) Bill "An Act To Move a Township from House District 150 to House District 151" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-188)**

On motion of Representative FREDETTE of Newport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, my understanding of what this bill does, is it moves a portion of one district, 150, to another district, 151. Now, as someone who was intimately involved in the redistricting process last time around, you know, the process actually was sped up a little bit because of some population issues that we had going on in the State of Maine at that time. And so that we actually had to work that.

But the point of it is, is that we work in a state where we have one person, one vote, and we worked on a redistricting plan that respected the one person, one vote principle. And, we, as a Legislature, were able to resolve all those issues out of 151 districts. We were able to do it in a way that brought bipartisan support to the redistricting plan from republicans and democrats alike. And, while everybody would probably like to look back in hindsight today and say, "You know, geez, I'd like to have that street in my district," or, "You know, I'd like to have that portion of that town go to that district."

We could all sit here today in hindsight and say, "You know, wouldn't it be great if I could do this with my district?" Maybe it's a school issue. Maybe it's a county issue. Maybe it's a contiguous issue. But the point of it is, is that we all could find issues with districts. And, we as a body made a, went through a constitutional process, this is a process that's found in our State Constitution, that requires us to respect the one person, one vote principle. We went through that process and I believe we did good work as a House.

Had we failed to do the job that we were required to do, that would've gone to the state law court. And the law court would've drawn our districts based upon the information that they had, and we would've lived with it. That's the way the process works. But we didn't have to go through that process because in a bipartisan way, in a committee established by republicans and democrats alike, in the State Legislature, some of those members are still here today, they were able to go through that redistricting

process, present a map that, maybe to some degree, we were all equally a little bit unhappy with our districts. But, at the end of the day we all did comply with and go through that process.

And while I respect the work of the committee, I believe that we should respect the work, the constitutional work that our members did then and passed in a bipartisan fashion. I will be voting against this bill and I would ask you to follow my light and, Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous 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 Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, this obviously has become an issue for some reason, and I have to wonder why. The good Representative from Newport knows full-well that *Baker vs. Carr* creates the system under which the reapportionment of State Legislatures across this country prevails. There is a plethora of five, either way, in terms of allocating numbers in legislative districts.

In this particular instance, if the good Representative bothered to ask, he would've found out that what took place was that the Reapportionment Commission did the job by putting the township in the correct district where it should've been. However, when the map was drawn, instead of using the township line, they used the highway, which is specifically in this instance, Route 11. And so, as a result of that, you have six people who are now placed in a district that now goes to Madawaska, where they would end up having to vote a distance of about 70 miles, when in fact they should be in the other district across the road where the other people on Route 11 now live.

This is not a violation, and it is, in fact, correcting the map that was drawn. And I'd be more than happy to respond to future questions by the good Representative. But if I had my opportunity, I'd be placing his house in the middle of Eagle Lake.

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, I just want to remind the members of this great body that this came out of the State and Local Committee unanimous, during both the public hearing and the work session. A representative of the Secretary of State's Office was there. We were not informed of any constitutional issues, and what happened in Township 14, R 6, is they literally split, during the reapportionment process, a township in half. And this clearly does not violate the Constitution, because it's within the 5 percent rule, and there's only six, maybe seven, individuals involved. And, clearly, for those individuals to have to come to my district and travel several miles to vote is just unreasonable, so we thought we made the wise decision, and I would urge you to vote against the pending motion. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, there was a lot of work done in the last legislative session with reapportionment, of which we are required to go through every 10 years when the Census Bureau changes. Because of this change, I reached out to the gentleman who we all know, or many of us know well, in this chamber, the Honorable David Emery, who was part of this reapportionment change. And I just asked the specific questions

to find out, "Can we do this? Can we not?" regarding the reapportionment.

Here's the problem, right now: LD 897 has the potential to put us in the position of facing the federal apportionment challenge. Moving an entire township, T-14, R 6, from HD 150 to 151, is a violation of the federal census rules. The townships do not have a population count consistent with census block boundaries; therefore, federal reapportionment guidelines do not recognize Maine township boundaries.

The U.S. Census and federal law requires reapportionment to be based on areas of defined population, but because the U.S. Census Bureau does not recognize Maine unorganized township boundaries, they don't recognize, Maine township boundaries cross U.S. Census block lines, so there is no way to correlate Maine township boundaries with the official census block populations.

Furthermore, while I understand the Representative from Eagle Lake submitted this bill to make it more convenient for 15 individuals to vote, reapportionment is a laborious undertaking that we engage in every 10 years, consistent with Census Bureau updates. Maps of each legislative district is redrawn and negotiated and must be approved by the votes of each body. Legislatively changing lines of reapportioned in agreed upon maps, goes down a road that could weaken the 10 year cycle of districts set by equal population according to the census and sets a precedent that we should not be setting. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, as a former member of the Reapportionment Committee, I wanted to first start off by thanking the State and Local Committee for fixing, what I view as an error, an error in the process—more about a line than it has anything to do with any sort of census population block.

You see, my district changed in the last reapportionment. I picked up a section of East Madison. The line was to be drawn based on a population block, which was the county jail. During the drawing of the map, I picked up a section of the East Madison Road, and it wasn't until it came election time and the list came out that I discovered just how far up the East Madison Road my district had become.

So, to say that this has anything to do with population blocks, or you know, that, this or the thing, at this point in time we're talking about a line. A line that was drawn. Probably it was drawn on the interstate because maybe that was the easiest way to draw a line. But, really this is correcting an error, and correcting an error and an oversight in the actual mapping. So, I thank the committee for their bipartisan, I believe everyone on the committee that was present actually voted for this bill, and for that reason, and just for clarification process, I would ask that the Clerk read the Committee Report.

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

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

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

Representative **MARTIN**: Thank you, Mr. Speaker, I believe I misspoke previously. I believe the pending motion is Ought to Pass as Amended, and I would urge you to support the pending motion. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, after hearing a couple speakers after me, I'd like to clarify my previous testimony. I said that the U.S. Census Bureau does not

recognize township boundaries. In the bill, as proposed, you are proposing moving an entire township into from one district to another. That is where the problem lies. It's not that there's not a desire to help these individuals in the good Representative from Eagle Lake's area, it's just that the language is incorrect. We must go by defined populations. Those are set by census blocks, not townships. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker, and in response to the question, basically blocks are used, townships and the unorganized territory are, in fact, used. In this instance, it has nothing to do with that, whatsoever. It is the question of what happened here, was in the layout. They ended up doing one thing in the districting, and then in doing the map they end up doing another. That's all it is. And what you're talking about in this instance, is a total of six people that are, in fact, disenfranchised by having to go from where, if you have any idea of where I'm talking about, that township is located half way between Portage and Winterville, and from that point they would end up travelling to Fort Kent across to Madawaska in order to vote, or I suppose they could vote by absentee.

So, for example, we have, in my area, we have people who vote by absentee or in person when they come from Estcourt and that particular township, and that's located in my district as well.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, The good Representative from Eagle Lake makes a good point that in our voting system today, we do, in fact, have voting that can be done via mail. All you need to do is go online and request an absentee ballot. And it can be done that way.

And I'd like to just call the Speaker's attention to the good Representative's comment in regards to the Representative from Eagle Lake, in regards to my district being located in the Eagle Lake area, and quite frankly, Mr. Speaker, I think that's a disparaging comment, and I think that the speaker from Eagle Lake ought to be reprimanded for the such, and I would ask the Speaker to do that.

The **SPEAKER**: What the Chair will do is remind members, in debate, to focus on the merits of the bill and the debate, to not make debate personal, and to avoid any veiled or direct threats to other members in humor or otherwise.

The Chair reminded all members to stay as close as possible to the pending question and that it was inappropriate to question the motives of other members of the House.

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

Representative **McCABE**: Thank you, Mr. Speaker, I'll keep remarks positive and to the process. Men and Women of the House, throughout this process, fascinating process, as we decide the districts around the state, we take into consideration these types of things. We also take into considerations trying not to fracture districts so that they represent certain, specific, school districts, trying not to have folks going beyond maybe one or two school districts, as well as other geographical boundaries.

There's also discussion around trying to keep as many of these seats within county boundaries; county boundaries which aren't defined by census blocks, by population blocks, but are defined by the State of Maine and the counties in Maine. So, there's many things that we do that we try to remain within the five percent threshold. We try to do it so that we make it easier for voters, we make it easier for citizens around the State of Maine to actually realize which House District and which Senate

District they live in. I don't know how many folks I talk to who are never really sure of which House or Senate District they are in, especially after redistricting. Some of these districts changed drastically, other added a street or two, some others might've picked up a town or shifted over a little bit.

But I think what we're arguing today, is we're arguing something that we've sort of lost sight of. We're talking about six people. Six people that should be able to go and vote as easy as possible and not have to go online. I would imagine looking at this, District 150, District 151, chances are their access to the internet is pretty limited at best, and their access to the internet in a quality broadband stand is probably is not the greatest. So, let's help these people to be not disenfranchised, but actually let's put them in the appropriate district in what I would view an oversight—an oversight in drawing of a map. Thank you, Mr. Speaker.

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

ROLL CALL NO. 93

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Crafts, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Edgecomb, 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, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Skolfield, Stanley, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Verow, Warren, Welsh, White, Mr. Speaker.

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

ABSENT - Dion, Greenwood, Powers, Stuckey.

Yes, 89; No, 58; Absent, 4; Excused, 0.

89 having voted in the affirmative and 58 voted in the negative, with 4 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-188)** 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-188)** and sent for concurrence.

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

ENACTORS

Emergency Measure

An Act To Restore Public Safety Programs in the Department of Public Safety

(H.P. 473) (L.D. 697)
(C. "A" H-145)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Repeal Authorization for Smelt Fishing in Mud Brook in Aroostook County

(H.P. 882) (L.D. 1296)

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. 141 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Establishing the Commission to Study Services Available on the Long-term Care Continuum

(H.P. 446) (L.D. 665)
(C. "A" H-162)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Rules for Permitting Overlimit Commercial Motor Vehicles of Specified Configurations To Travel Designated Routes, a Late-filed Major Substantive Rule of the Department of Transportation

(H.P. 803) (L.D. 1172)
(C. "A" H-149)

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. 134 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding the Department of Environmental Protection's Rule Chapter 500: Stormwater Management

(S.P. 535) (L.D. 1427)

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. 132 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records

(H.P. 94) (L.D. 136)
(C. "A" H-163)

An Act To Amend the Maine Clean Election Act Regarding Candidate Participation in Political Action Committees

(H.P. 132) (L.D. 174)
(C. "A" H-147)

An Act To Improve the Reporting of Child Abuse

(S.P. 74) (L.D. 199)
(C. "A" S-93)

An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information

(H.P. 149) (L.D. 206)
(C. "A" H-165)

An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose

(H.P. 181) (L.D. 263)
(C. "A" H-142)

An Act To Include Nonalcoholic Malt Beverages in the List of Exempt Products in the Law Regarding the Labeling of Genetically Engineered Products

(H.P. 295) (L.D. 456)

An Act To Expand the Scope of Practice for Denturists

(H.P. 327) (L.D. 488)
(C. "A" H-130; H. "A" H-169)

An Act To Provide Funding for Home Visiting Services

(H.P. 376) (L.D. 552)
(C. "A" H-161)

An Act To Amend Maine's Sex Trafficking and Child Welfare Laws

(S.P. 244) (L.D. 651)
(C. "A" S-96)

An Act To Amend the Military Bureau Laws

(S.P. 251) (L.D. 693)
(C. "A" S-97)

An Act Regarding the Industry Partnership Assistance Collaborative's Grant Program

(H.P. 476) (L.D. 700)

An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate

(H.P. 529) (L.D. 776)

An Act To Improve the Health of Maine Citizens and Safety of Pedestrians

(H.P. 537) (L.D. 788)
(C. "A" H-171)

An Act To Amend Maine's Threatened and Endangered Species List

(S.P. 281) (L.D. 807)
(C. "A" S-90)

An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act

(S.P. 294) (L.D. 820)

An Act To Amend Certain Laws Affecting the Judicial Branch

(H.P. 611) (L.D. 892)
(C. "A" H-164)

An Act To Provide Access to Opioid Analgesics with Abuse-deterrent Properties

(H.P. 638) (L.D. 919)
(C. "A" H-159)

An Act Regarding Alcohol Manufacturing Licenses Issued to Research Facilities

(S.P. 326) (L.D. 935)
(C. "A" S-98)

An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit

(H.P. 737) (L.D. 1068)
(C. "A" H-153)

An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection

(S.P. 397) (L.D. 1128)
(C. "A" S-91)

An Act To Increase Funding for the Maine Community College System

(H.P. 838) (L.D. 1220)
(C. "A" H-107)

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

Resolves

Resolve, To Require the Director of the Bureau of Maine Veterans' Services To Make Recommendations To Ensure Equity in the Benefits Provided to Military Service Members

(H.P. 68) (L.D. 74)
(C. "A" H-168)

Resolve, To Increase Funding To Support Peer Centers

(H.P. 316) (L.D. 477)
(C. "A" H-160)

Resolve, To Create a License Plate To Recognize the Bicentennial of the State

(S.P. 455) (L.D. 1273)
(C. "A" S-99)

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

An Act To Suspend the Right of an Out-of-state Toll Violator To Operate a Motor Vehicle on Maine Roads

(H.P. 682) (L.D. 987)
(C. "A" H-148)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative CAMPBELL of Newfield, was **SET ASIDE**.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this "An Act To Suspend the Right of an Out-of-state Toll Violator To Operate a Motor Vehicle on Maine Roads." I got two letters, warnings, from the State of Florida from me driving through toll booths and not paying my toll. I was here all winter long. I went to the Secretary of the State, he took them, and he told me, "Don't worry, I took care of it, you're all set."

A week or so later, I got more that I was still down there driving through toll booths. So, it's pretty tough to not know, an ordinary citizen, not know the Secretary of State. And to turn around and suspend their right to drive in the State of Maine, to me, and put them through all this that I went through, but thank you for the help of them, that's why I object to that bill. Thank you, Mr. Speaker.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Fund the Cold Case Homicide Unit in the Department of the Attorney General

(S.P. 393) (L.D. 1121)
(C. "A" S-92)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

ROLL CALL NO. 94

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, 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, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Long.

ABSENT - DeChant, Dion, Greenwood, Head, Powers, Theriault.

Yes, 144; No, 1; Absent, 6; Excused, 0.

144 having voted in the affirmative and 1 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Increase Consumer Protections

(H.P. 859) (L.D. 1259)
(C. "A" H-166)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** 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 Thursday, May 21, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Joint Order, Authorizing the Joint Standing Committee on Inland Fisheries and Wildlife To Report Out a Bill Concerning the Protection of Maine's Outdoor Heritage

(H.P. 976)

TABLED - May 21, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE.**

Subsequently, the Joint Order was **PASSED.** Sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act Concerning Pavement Sealing Products"

(H.P. 826) (L.D. 1208)

Signed:

Senators:

SAVIELLO of Franklin

BRAKEY of Androscoggin

Representatives:

BUCKLAND of Farmington

CAMPBELL of Orrington

DUCHESNE of Hudson

HANLEY of Pittston

MARTIN of Eagle Lake

WHITE of Washburn

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

Signed:

Representatives:

WELSH of Rockport

CHIPMAN of Portland

HARLOW of Portland

TUCKER of Brunswick

READ.

Representative WELSH of Rockport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY:** Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion, and I'd like to provide the House with a little context about this bill. So, what is coal tar? Coal tar is a byproduct of the cooking of coal for the steel industry, and coal tar pitch is the residue that remains after the distillation of coal tar.

So what's a coal tar pavement product? A coal tar pavement product is a pavement sealcoat or sealant. You might see it on driveways or playgrounds, or in large commercial parking lots. It's the black product they put on top of the pavement. So why is it so dangerous, and why am I standing here wasting all of your time? Coal tar pitch contains 50 percent or more Polycyclical

Aromatic Hydrocarbons—I dare all of you to try saying that three times fast—or PAH's, by weight. These are a group of chemical compounds that form when anything with a carbon base is burned. Anything from wood to gasoline to your overcooked Memorial Day burgers can result in a PAH when burned. Many of these compounds have been shown to be toxic, mutagenic, carcinogenic, and tetrogenic to aquatic life and seven are possible human known carcinogens. PAH's from coal tar are also known to cause issues with DNA. This is a nasty substance that is not only impacting our environment, but our health as well.

Coal tar based sealcoat is one of the largest sources of PAH's contamination in all water bodies. Their sealcoat use of this product is the primary cause of upward trends in this pollution since the 1960's. What's truly frightening about the substance is that it sticks around in the environment; it doesn't dissolve. A 2015 study by the U.S. Geological Survey showed that, "rainwater runoff collected as long as three months after an application caused 100 percent mortality to minnows and water fleas, which are the base of our food chain."

So, how does this product impact our environment? How does it go from that black top to our bodies and our waterbeds? The sealcoat particles adhere to vehicle tires and are transported to other surfaces where they can be deposited and eventually move into the wind and air. They're blown offsite by wind or tracked indoors on the soles of shoes or by our children. This product also has a limited lifecycle and requires frequent upkeep. Applicators say that you need to reapply the product ever two to four years, and if it rains after it's applied, it goes straight into our waterbeds.

So, why is this bill with the phase out of this product necessary? Because, as I said, the PAH's in coal tar are a known human carcinogen. What does it do to us? A large body of literature has shown that when exposed to these products, men have had genetic damage to their sperm, pregnant women have had damage to their umbilical cord, children exposed to these chemicals in the womb may be more prone to asthma and many other health problems, as well as suffer from lowered I.Q.'s. In streams the chemicals have been shown to kill off tadpoles, cause tumors on fish, stunt growth of aquatic creatures, and reduce the number of species able to live in a waterway.

These are not friendly substances. A recent study done by the U.S. Geological Survey and Baylor University found that people living near pavement sealed with coal tar have an elevated risk of cancer in their lives. Those at highest risk of developing cancer and other health issues from the exposure were children age six and younger. This product is often used to sealcoat playgrounds, so it's a known human carcinogen that our children are playing on.

As more and more information is being collected on the devastating impacts of this product, we can't sit back and do nothing. There are safe alternatives to these dangerous products. In fact, one is an asphalt-based and another's a latex sealant. Many commercial chains like Lowes, Home Depot's, Ace Hardware, and Do It Best won't even sell these products due to their adverse effects and their fear of the liability. Many commercial applicators of the products in the U.S. are switching from coal tar sealants to the safer alternatives.

But most importantly, we wouldn't be the first place to ban these products. Austin, Texas was the first city to ban them, and they were soon followed by Washington D.C. and numerous communities in Minnesota. There are county bans in Dane, Wisconsin; Montgomery County, Maryland; and Suffolk, New York. There are many other communities that have banned the product and I'd be happy to list more. But in 2011, Washington State became the first state to completely ban the products

statewide. Minnesota's Legislature followed with a ban in 2014. There's many bills like this pending in various states across the nation.

It also wouldn't be the first time that a legislative body took action to ban a toxic product. Asbestos worked really, really well as an insulation, but its health impacts were not worth continued use and it was banned completely in 1986. PCB's were great at insulating oils in transformers, but again, environmental and health impacts were not worth its continued use, so it was also banned by law.

Coal tar sealant coats are used primarily for looks, not function. I've heard them often compared to a woman's lipstick—it looks really nice, but it's not necessarily useful or functional. This is not a product that is key to the upkeep of our infrastructure. It isn't used on our roads. It's not used on our highways. In fact, the Air Force banned the use of this product because it wasn't structurally sound. There may have not been viable alternatives at the time when other substances, such as PCB's or asbestos, were banned, but the government acted and we are all better off because of these bans. This is one of those rare chances when there are alternatives to a toxic product.

Maine has a proud tradition of leading the charge. Let's join with Washington and Minnesota and help start move against these dangerous products. Mr. Speaker, I request a roll call and I urge all of you to follow my light. Oppose this motion and thank you for your time.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, while I was in graduate school I did quite a bit of histology to work my way through and support my family at the same time.

I used the building block of benzyne. And benzyne is a six-sided carbon, which is the building block for all PAH's. And I used many of these benzyne-based compounds for various reasons—primarily histology. When I used them, I was required to wear leather gloves, a long-sleeved shirt, and a face mask, and when possible, I had to do the work under a fume hood. The reason that I had to take all those safety precautions is that we know these compounds are very, very dangerous to humans. Why we allow them to be dumped in our environment in such large concentrations is beyond me, and I hope you'll vote to ban them as I will. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: thank you, Mr. Speaker, Ladies and Gentlemen of the House, we in modern times are being inundated with new chemicals every day. For the most part, we have no idea whether they are toxic or not; there's no rule in the United States requiring that they be tested beforehand. So, we just cross our fingers and hope that they are not killing us.

In this instance, we know that tar sands is a toxic substance with known properties that affect, not only human health, but the environment at large. You will hear, in defense of the use of tar sands as a pavement sealant, that it is less expensive and longer lasting than alternatives. No doubt, this is true. I do not have any reason to dispute this. But the question is: Where's the balance? Are you going to balance the environmental degradation and damage to our children and to ourselves against the economic advantage of using these products? How do you come out in weighing these different criteria?

I urge you to vote for health and environmental protection in this instance. Other states have done so without major disruption of the business of paving highways and driveways. We can do so as well. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the people that testified before the committee that worked with this product day in and day out, year after year, exhibited and testified to the fact that they never came sick and had no injuries from it. Federal OSHA law does not restrict the use of this, and either does the State OSHA law. This is an unnecessary burden on us, and I would ask you to support the motion that's on the floor. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, in committee we heard a lot of testimony on this bill and we had a lot of information presented to us about the negative impacts on the environment and human health of coal tar pavement sealer. As you've heard, it has been prohibited in many other communities, and in committee we heard that in those communities the sky did not fall when those prohibitions took effect.

I'd like to point out that Home Depot and Lowes have decided to voluntarily stop selling this product even though the law doesn't prevent them from selling it. They decided to voluntarily stop selling it. I think there's good reasons why. I think it's time for us to stop selling it in the State of Maine and I urge you to vote against the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, while we're talking about coal tar, it's important for people to be aware that there's a lot of members in this chamber right now that use coal tar every single day in health care and in shampoos. I urge you to vote in favor of the pending motion.

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, and Ladies and Gentlemen of the House, I apologize for standing a second time, but I just wanted to let the good Representative from Pittston know that I have worked for two universities, one being the University of Maine, which has required me when I used PAH's to take all sorts of safety precautions, including, as I said before, rubber gloves, face mask, and when possible using a fume hood. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising a second time, I just wanted to address a comment that was made about using coal tar in day-to-day products. It is used in shampoo and in some balms for treating psoriasis and eczema, but what's interesting is that the European Union has moved to ban these products, and also they're increasingly finding that they are causing health impacts when they're used in that manner.

In the 1700's, one of the first studies was shown that this product can cause cancer. They noticed that chimney swifts in England who were rubbing up against the product when they were cleaning chimneys were actually getting cancer from this product. So, there's a long history of being shown to cause

cancer, and there are a lot of concerns about the fact that it is in our shampoo and it's in body creams. And, actually, in an odd twist of fate, this weekend the parking lots all around my apartment were sealed with this product. A bunch of the neighbors were complaining about having burning throats, children were coughing, and we're actually working with the folks who paved it to not use the product again. And, in fact, many of my neighbors have left their houses because they can't breathe because of the product. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I've been using shampoo with coal tar in it for years. And next month I'm going to be 82. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Buckland.

Representative **BUCKLAND**: Thank you, Mr. Speaker, and Ladies and Gentlemen of the House, I'd just like to make a quick comment. If we are going to sit here today and try to ban the sale of this product, I'd like you to keep in mind that currently, all state contracts for their parking lot and driveway sealing require this product.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, this is an interesting debate. We're all concerned about the use of our renewable resources and the fact that it's been mentioned that this is nothing but a pretty surface. But, in fact, the testimony that came before the committee was all about the fact that this product extends the life of something that's fairly nasty—the manufacture of asphalt. And if asphalt isn't protected, it deteriorates. So, if we ban this, we will be using more asphalt. Thank you.

The SPEAKER: The Chair recognizes the Representative from Washburn, Representative White.

Representative **WHITE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I want to reiterate that Home Depot and Lowes did voluntarily pull from their market, coal tar. But I do want to let you know that they do require it when they spec it for their own parking lots. Thank you.

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

ROLL CALL NO. 95

YEA - Austin, Battle, Beck, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Farrin, Foley, Fowle, Fredette, Gerrish, Gillway, Ginzler, Grant, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McClellan, McElwee, McLean, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Doore, Evangelos, Farnsworth, Fecteau, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grohman, Hamann, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie,

McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Noon, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Schneck, Shaw, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

ABSENT - DeChant, Dion, Greenwood, Powers, Theriault.

Yes, 86; No, 60; Absent, 5; Excused, 0.

86 having voted in the affirmative and 60 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of Certain Disposable or Polystyrene Food Service Containers"

(H.P. 307) (L.D. 468)

Signed:

Senators:

SAVIELLO of Franklin
BRAKEY of Androscoggin

Representatives:

BUCKLAND of Farmington
CAMPBELL of Orrington
DUCHESNE of Hudson
HANLEY of Pittston
MARTIN of Eagle Lake
TUCKER of Brunswick
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-187)** on same Bill.

Signed:

Senator:

BREEN of Cumberland

Representatives:

WELSH of Rockport
CHIPMAN of Portland
HARLOW of Portland

READ.

Representative WELSH of Rockport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today for you to vote "no" on this. This is simply a bill that we can show the rest of the states that we can lead the way for our environment. It's to stop the use of single-use food service containers that are Styrofoam. It's not for commercial, it's not for shipping lobsters or any of the big coolers. It's basically the cups and the clamshell containers that you find clouding storm drains, never biodegrading, and when it breaks up, it does get into the food chain and the fish eat it and it never, ever biodegrades.

So, this is a really good way to just start the process. Towns are doing this. Freeport is doing it. Portland is doing it. New York City can do it. San Diego can do it. I think the State of Maine can also do this as well. So, I would hope that you would vote red against this, and let's see what we can do as a state to help our environment. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Mr. Speaker, thank you. Mr. Speaker, Ladies and Gentlemen of the House, this bill only targets a very tiny fraction of the Styrofoam world, and it is not a necessary bill. And for 11 years I used to sail a boat out of Round Pond and I went by tens of thousands of lobster pots, which are all made out of Styrofoam. I mean, are we going to have to go back to wooden pots? I ask you to support the Ought Not to Pass. Thank you.

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

Representative **BURSTEIN**: Thank you, Mr. Speaker, and I'd like to just address one thing, and then ask for a roll call. But, this is not for any commercial use. This is for the containers that are single-use, not multiple-use containers. It's things that are thrown in the trash and never biodegrade. So, it's very simple. It doesn't hurt the working man. It actually, we're in a paper state, it'd be great if we could produce our own paper products that could take care of this and we could have a win-win for our whole state. So, Mr. Speaker, I'd like to ask for a roll call please.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, whenever we either present a bill or hear a bill in our committees, I find it extremely intriguing and educational. What we learned, obviously, was that, from those who were in favor, that first, polystyrene contaminates food. And then we heard that it's not recyclable. But, in fact, as testimony switched and the producer of the product, Dart, basically described the product, polystyrene, as inert. In other words, it doesn't take on or contaminate once it becomes the clamshell.

Another business, I guess, or representative of a business, testified directly after the manufacturer and said, "Another misconception is that this product can't be recycled." But, in fact, it can and this particular company has offered to fully pay for what is called a densifier. The product itself is 90 percent air. So, the air needs to come out of it in order for it to be recycled.

It's been spoken that New York City has banned it. Also, had an interesting story about New York City. New York City apparently had an opportunity recycle it curbside, just as we might. But, I don't have the numbers in my head, but let's just take \$8 million. It was going to take them \$8 million to transfer it to the landfill. And, in fact, if they'd used the densifier in New York City, they would've made \$8 million by recycling it. But, politics as they are, they chose not to recycle it, not to have a fully paid for piece of equipment that takes the air out of the densifier. And they decided to send it to the landfill because it was too political to curbside.

It's time that we get our heads on straight. And the committee is committed to working out the solutions to landfill. Banning this is the wrong step in the wrong direction. We should be collecting it and recycling. Thank you.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to point out to the body that there are currently no densifiers in the State of Maine, so while that is a good idea, we do not have any in the State of Maine. And we did look at a bill that might have funded that, and we could not pass that, so I just wanted to point

that out since the good Representative from Orrington mentioned the densifier. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Buckland.

Representative **BUCKLAND**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, I'd just like to bring one thing to the forefront here. The polystyrene represents like, one and a half or two percent in the overall waste stream, recycling stream. It is not anything close to a low-hanging fruit, and in our quest to improve our recycling in Maine, we're still working on those kinds of issues. The FDA says it's a perfectly safe thing to put your food in. There's no health concerns of that nature.

And then, it also would require the DEP to develop a set of restrictions. And although this was just from the testimony from the DEP representative, "While the Department supports recycling and sustainable materials management, this bill would not improve composting or recycling rates and would not reduce litter and would have far reaching and costly implications statewide." Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion and would like to remind the members of the chamber that the three cardinal rules of uses of plastics in our society are: Reduce, Reuse, and finally, Recycle. Recycle is not the primary weapon of choice in dealing with plastics.

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

ROLL CALL NO. 96

YEA - Alley, Austin, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Duchesne, Dunphy L, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, McClellan, McElwee, McLean, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Doore, Dunphy M, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Goode, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Shaw, Short, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

ABSENT - DeChant, Dion, Greenwood, Powers, Theriault.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Relating to Automatic Contract Renewals"

(H.P. 613) (L.D. 894)

Signed:

Senators:

VOLK of Cumberland

PATRICK of Oxford

Representatives:

HERBIG of Belfast

BATES of Westbrook

FECTEAU of Biddeford

GILBERT of Jay

MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-184)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

AUSTIN of Gray

CAMPBELL of Newfield

LOCKMAN of Amherst

STETKIS of Canaan

WARD of Dedham

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **WARD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, someone once asked me my advice for business success. And my answer was, "Well, there's no real secret. Be open, honest and complete. Treat your customers and your employees fairly, consistently, and ethically. And be reasonable. Every once in a while even ask yourself, 'Would your mom approve?' And while this ethic will undoubtedly cost you in the short term, I convinced that in the long term it is absolutely required for success." And, Mr. Speaker, that's why I authored this bill before us today.

You see, many written contracts today contain in the fine print automatic renewal clauses, otherwise known as "evergreen clauses" because they keep the contract going and going and going. These clauses are very cleverly constructed to take advantage of the inexperienced, the undereducated, the unwary and unsuspecting business owner or private individual. And while they do include a legally required mechanism to end the contract, they disguise it in such a way as to help ensure that the customer will get tripped up on the details, or will overlook their contractual obligations required to properly terminate the agreement.

These clauses, Mr. Speaker, can cost businesses thousands of dollars by forcing them to remain bound by terms of an expensive, unneeded, or unwanted service contract for months or

years longer. All because the automatic renewal terms were unclear because a critical renewal cancellation date was passed without the customers knowing or remembering. That's why several business advocacy groups testified in favor of this legislation.

But it gets worse, Mr. Speaker. You see, often the victims of such hidden and easily forgotten clauses are the most vulnerable. Our senior citizens, if they don't read the fine print or are confused by it, or if they neglect to mark on their calendar the cancellation notice deadline, then the service provider can legally argue that the customer's still bound by the provisions of the signed agreement. Now, I'm a business man and I don't think that's right, and that's why the AARP, this nation's largest senior citizen advocacy group testified in favor of this legislation.

Mr. Speaker, this bill is simple. Any automatic renewal clause should be clearly and conspicuously distinguished in the contract, and the service provider must provide advanced written notice of the automatic renewal. And it purposefully and logically excludes finance companies and banks and credit unions. So, who would argue?

Well, some folks might say the advanced notice requirement would be expensive, or this is a solution looking for a problem. However, several states, including New York, New Jersey, Illinois, Wisconsin, have already passed statutes that require clear, and conspicuous language informing the customer of automatic renewal provisions in the contract. In fact, some state statutes also require the customer be given written notice of the renewal.

When I look at this, I ask myself, "What's fair? What's reasonable? And, what's ethical?" and in most cases, my logic tells me that if the customer's happy with the service being provided, they'll probably re-up. And in the rest of the cases, I ask myself, "What would my 80-year-old mother think of all this?" Ladies and Gentlemen of the House, I urge you to follow my light and vote to pass this reasonable, fair, and ethical bill. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, yes, Mr. Speaker, the AARP does support this. It's for Nana gets a contract for a magazine, as Representative Ward says, and then all of a sudden, the contract expires, and they just automatically put it right back in again whether she wants it or not. So, I support this bill wholeheartedly.

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, the broad language of this bill is overreaching, unfair, and is not legislation encourages business development in Maine. While AARP did testify in favor of this bill, the testimony was immediately followed by, "I think I'm a little confused as to what this bill is about, because I think it's unclear as to who this bill is really trying to help."

Patchwork state regulations, such as LD 894 extremely burdensome to companies that do business in more than one state. Imposing additional regulatory requirements on legitimate businesses will negatively impact the consumer. A majority of our committee had concerns for the unintended consequences of this bill, as those of us that have sat on this committee have heard this issue come up several times. LD 894 does nothing to increase consumer protection. The Federal Trade Commission has studied automatic contract renewals and has, in the cases of bad actors, filed law suits on behalf of consumers. Furthermore, the FTC Act provides protection against unfair or deceptive

contract provisions, including automatic renewal provisions. It is for these reasons I urge you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative McElwee.

Representative **McELWEE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in favor of LD 894, a bill sponsored by Representative Ward. First, I'd like to share with you a summary, very short, very brief, of this bill. "This bill requires any entity who sells or provides services with an automatic renewal contract to disclose to the consumer the automatic renewal clause, clearly and conspicuously in the contract, including the cancellation procedure. The bill also requires that written notice be provided to the consumer no fewer than 30 days, and no more than 60 days before the cancellation deadline pursuant to the automatic renewal clause."

I would also like to share with you a portion of Amy Gallant's, Advocacy Director for AARP, her testimony in favor of this bill. She states, "AARP Maine views this bill as important to ensuring strong consumer transparency and quality of service. Often entities that sell a product do not fully clarify verbally in writing or that the service has an automatic renewal clause. The renewal clause is regularly buried in the fine print of a multi-page contract agreement. While we view this transparency that the bill creates as a positive step for old Mainers, this will also be important for young adults entering in the first contract agreements of their life. It doesn't hinder a company from automatic renewal, but just ensures that the consumer is aware that this makes a decision to enter into a contract with full understanding. For older adults, multi-year renewal contracts may not be the best option. And many older adults find themselves entangled in agreements that they didn't realize they had made. This bill takes additional step to ensure that they understand what they are committing to and ensure that they are reminded at the term of the contract's end that the renewal is coming."

I believe this is a good bill. Seniors, as well as some young adults, will be direct beneficiaries of this consumer-friendly Legislature. Thank you so much.

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

Representative **FECTEAU**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, while I think this piece of legislation is well-intended, during the work session and during our public hearing, we quickly found out that a number of carve outs were needed for this bill to be swallowed easily by the business community. I don't think that this bill is ready for prime time, and still needs a lot of work in terms of making sure that there are enough carve outs that businesses are not adversely affected by this legislation. In fact, if you look at the bill, there are already a number of carve outs that were made, and we quickly learned that more were needed. So, I think, to be brief, I would urge the chamber to vote with the Majority Ought Not to Pass Report. Thank you.

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

Representative **MASTRACCIO**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, let me just simply say that if I thought that this was really about consumer protection bill, I would definitely be in support of it. It is not, in fact, that. Thank you.

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

ROLL CALL NO. 97

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, 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, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Buckland, DeChant, Dion, Greenwood, Kruger, Powers, Theriault.

Yes, 77; No, 67; Excused, 0.

77 having voted in the affirmative and 67 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services" (S.P. 540) (L.D. 1433)

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

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

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

On motion of Representative COREY of Windham, the House adjourned at 1:04 p.m., until 10:00 a.m., Wednesday, May 27, 2015, in honor and lasting tribute to Helen Geraldine Plummer, of Windham and Francis Fenton, of Mercer.