

# 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  
48th Legislative Day  
Wednesday, May 27, 2015

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

Prayer by Bill Cumming, Director, The Boothby Institute.  
National Anthem by Honorable Deane Rykerson, Kittery.  
Pledge of Allegiance.  
Doctor of the day, Joann Kaplan, M.D., Newcastle.

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

The Journal of yesterday was read and approved.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act Regarding Contract Indemnification"  
(S.P. 203) (L.D. 587)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on May 21, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-94)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Support Family Caregivers in the Workforce"  
(H.P. 659) (L.D. 960)

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" (H-172)** in the House on May 21, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Prevent Tax Haven Abuse"  
(H.P. 235) (L.D. 341)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)** in the House on May 21, 2015.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Change Municipal Campaign Contribution Limits"

(H.P. 430) (L.D. 617)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)** in the House on May 20, 2015.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **FAILED** in **NON-CONCURRENCE**.

On motion of Representative GIDEON of Freeport, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

**Non-Concurrent Matter**

Bill "An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools" (EMERGENCY)

(H.P. 472) (L.D. 696)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)** in the House on May 21, 2015.

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

The House voted to **INSIST**.

**COMMUNICATIONS**

The Following Communication: (H.C. 163)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

May 22, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 134, "Resolve, To Study the Impact of Winter Ticks on the State's Moose Population."

This resolve would direct the Commissioner to study winter ticks and their impact on Maine's moose population. Further, the Commissioner would be required to report his findings to the Legislature, which could, in turn, report out legislation. As the Legislature is well aware, I, generally, do not support resolves or studies because I believe the people of Maine have sent us to Augusta to act – we are not a taxpayer funded think tank. Moreover, these resolves are typically an intrusion by the Legislature on the Executive's prerogative to administer State government.

In the case of winter ticks, this resolve is completely unnecessary. The Department is currently in year two of a five year study on the impact of winter ticks on Maine's moose population. This collaborative work with New Hampshire Fish and Game, the University of Maine Animal Health Lab, and the University of New Hampshire includes assessing and identifying moose mortality factors, including winter ticks. I fail to see why the Legislature feels the need to order the Department to conduct a duplicative winter tick study.

This resolve is just another example of why the Maine Constitution entrusts only one branch of government to administer State law; after all, too many cooks will spoil the broth. For this reason, I return LD 134 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, last evening I spent some considerable time preparing remarks regarding LD 134; remarks in opposition to our Chief Executive's veto of this resolve. However, since I have no illusion as to the outcome of this morning's vote on LD 134, I will simply say that this resolve to study the impact on winter ticks on moose is the right thing and the prudent thing to do to save our moose population in this state. I will simply say and ask and urge you to follow my light and vote to override the Governor's veto of LD 134. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as you'll read in the communication from the Chief Executive on this, this is an issue which the department does have an ongoing study they're working on. They're monitoring the situation. It is a very serious issue. As a hunter, myself, I recognize even in hunting deer and shooting deer, it is a serious issue. But I certainly believe that our department is on top of this; that our Commissioner is on top of this. I think the Chief Executive's communication on this is relevant, and I would ask you to vote with me in sustaining the Governor's veto. Thank you, Mr. Speaker.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise today in favor of sustaining the Chief Executive's veto of LD 134. Mr. Speaker, Ladies and Gentlemen, the Inland Fishery and Wildlife Department is currently studying the impact of the winter tick on the body conditions and overall health and mortality of the Maine moose. As a matter of fact, the IF&W Department has been conducting this study since 2005. This study is being done as a collaborative effort with the New Hampshire Fish and Game Department, the University of New Hampshire, and the University of Maine Animal Health Lab. We don't need to direct a department to do what it's already doing.

Mr. Speaker, Ladies and Gentlemen of the House, the IF&W Department, which is under the direction of the current Commissioner, Chandler Woodcock, testified in opposition to LD 134. I ask that each of you think back to the recent bear referendum campaign and remember what opponents of that question on Question 1 asked the Maine voters to do. We asked them to trust our Inland Fisheries and Wildlife Department and the biologists that work within that department when it came to

determining what was best for our bear population. I, for one, was out there asking people to do just that. I asked people to trust the department because I truly believed then, as I do now, concerning our moose population that the Maine biologists know best. I find it impossible, just a few months later, to say that our Maine biologists can't be trusted when it comes to conducting the study on the winter tick and its effect on the mortality of our Maine moose. Ladies and Gentlemen of the House, I ask you to trust our Inland Fishery and Wildlife Department as I continue to do and vote to sustain the Chief Executive's veto. Thank you.

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

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

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 98V**

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

NAY - Austin, Black, Buckland, Campbell R, Chace, Dunphy L, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harlow, Hawke, Head, Higgins, Hobart, Hogan, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nadeau, Noon, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Sanderson, Sawicki, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Dillingham, Gattine, Sanborn.  
Yes, 84; No, 64; Absent, 3; Excused, 0.

84 having voted in the affirmative and 64 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 164)

**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**1 STATE HOUSE STATION**  
**AUGUSTA, MAINE 04333-0001**

May 22, 2015

The 127th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 464, "An Act To Improve Science and Engineering Education for Maine's Students."

While I support the desire to ensure that Maine students are well equipped with the best science and engineering education to prepare them for future careers that demand this vital knowledge, this bill would require every school in Maine to rewrite its science curriculum to adapt to a new set of standards without allocating a single dollar either to the Department of Education or to the schools that must carry out this significant, time consuming work. This unfunded mandate would place additional burden on our schools while they are already dealing with a new system of annual assessment, working to raise the standards of proficiency needed for graduation and adjust to new teacher evaluation rules all in the same year.

If state government is to make such demands on our local schools, it should only do so while also providing the funding necessary to carry out the work demanded of them.

For this reason, I return LD 464 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Improve Science and Engineering Education for Maine's Students

(H.P. 303) (L.D. 464)  
(S. "A" S-60 to C. "A" H-43)

On motion of Representative KORNFIELD of Bangor, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 165)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

May 22, 2015  
The 127th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 127th Legislature:  
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 682 "An Act To Ensure the Administration of Written Driving Tests."

This bill will allow the Secretary of State to waive the required examination for a learner's permit upon receipt of a driver education course completion certificate. I do not support this policy and believe it is in the public's best interest to require student drivers to pass a uniform examination before receiving their learner's permit. Administering one standard test helps ensure students are retaining the proper knowledge and will be able to safely operate a motor vehicle in public. The Bureau of Motor Vehicles already has the necessary computers to administer the exams which can be offered in many different languages and are designed to prevent cheating.

We all can agree on how important it is to teach our young citizens sound driving skills. Maine's driving schools do a tremendous job preparing students for the road and a uniform examination will allow parents to determine which schools have the highest percentage of students passing the examination. This is an incentive for driving schools to provide the best educational experience possible which benefits everyone in Maine.

For these reasons, I return LD 682 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Ensure the Administration of Written Driving Tests

(H.P. 463) (L.D. 682)  
(C. "A" H-109)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 99V**

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

NAY - Austin, Buckland, Edgecomb, Fredette, Ginzler, Guerin, Lockman, Lyford, Reed, Sawicki, Sirocki, Skolfield, Timmons, Turner, Vachon, Wallace, White.

ABSENT - Dillingham.  
Yes, 133; No, 17; Absent, 1; Excused, 0.

133 having voted in the affirmative and 17 voted in the negative, with 1 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 166)

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

May 22, 2015  
The 127th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 127th Legislature:  
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 880, "An Act To Permit Rate-adjustment Mechanisms for Water Utilities."

The bill potentially provides another route for the structure of water utility rates. I am concerned that the bill and underlying law does not allow sufficient participation from utility ratepayers to ensure that rate increases are truly necessary. Our laws governing our utility rates should be as transparent as possible. I am concerned that unless there is additional transparency, the ability for water utilities to pursue a decoupled rate design could lead to only additional confusion for citizens trying to determine whether the cost of a shower or a glass of water is really just and reasonable.

For these reasons, I return LD 880 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Permit Rate-adjustment Mechanisms for Water Utilities

(H.P. 599) (L.D. 880)  
(C. "A" H-103)

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 100V**

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, Winsor, Mr. Speaker.

NAY - Austin, Black, Buckland, Crafts, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Greenwood, Guerin, Hanington, Hilliard, Hobart, Kinney M, Lockman, Long, Lyford, Marean, McClellan, McElwee, Nutting, Parry, Pierce J, Prescott, Reed, Sawicki, Sherman, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, White, Wood.

ABSENT - Dillingham.

Yes, 110; No, 40; Absent, 1; Excused, 0.

110 having voted in the affirmative and 40 voted in the negative, with 1 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 167)

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

May 27, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

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

On May 22, 2015

Brian H. Noyes of Freeport for reappointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA §17102, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Elizabeth F. Fitzgerald of Machiasport and Michael G. Radeka of Whiting for reappointment to the Washington County Development Authority.

Pursuant to Title 5, MRSA §13083-C, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Peter J. DelGreco of Brunswick for appointment to the Maine Rural Development Authority.

Pursuant to Title 5, MRSA §13120-D, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Bruce S. Harrington of Fairfield for reappointment to the Maine Rural Development Authority.

Pursuant to Title 5, MRSA §13120-D, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Richard A. Cook, Ph.D. of Hermon for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA §2952, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Raymond C. Swenton of Gorham for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Jennifer S. Bichrest of Topsham and Christopher G. Weiner of Portland for reappointment to the Marine Resources Advisory Council.

Pursuant to Title 12, MRSA §6024, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Marine Resources.

Jerry W. Scribner of Belgrade for appointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

Jeffrey C. Lewis of Ellsworth for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA §10151, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Inland Fisheries and Wildlife.

David R. Ferguson, Esq. of Limerick for appointment to the Board of Trustees, Maine School of Science and Mathematics.

Pursuant to Title 20-A, MRSA §8204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

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

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

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The Following Communication: (S.C. 361)  
**MAINE SENATE**  
**127TH LEGISLATURE**  
**OFFICE OF THE SECRETARY**

May 26, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:

Senate Paper 126, Legislative Document 311, "An Act To Improve Attendance at Public Elementary Schools," 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?" 18 voted in favor and 16 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.**

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Eleanor Louise Everson, of Dresden, for her civic contributions to the community. Ms. Everson, whose roots in Dresden are deep, is considered to be the town's historian. She served as the Dresden Town Clerk from 1958 to 1962 and has served on the planning board, the budget review committee and the appeals board. She is a founding member of the Dresden Historical Society and has hosted the society's Harvest Dinners. She has served as a historian, bus tour guide and organizer for Dresden Founders Day events and has been an adult education lecturer on the subjects of the ice harvesting industry and floods on the Kennebec River for the Maine Maritime Museum in Bath. She co-wrote *Tidewater Ice of the Kennebec* with her mother, Jennie Everson, and they republished *History of Dresden, Maine*. She also wrote the history of Pine Grove Cemetery, which is located on Blinn Hill in Dresden. For all of her efforts to preserve the past of Dresden and the surrounding communities while participating fully in the events of the present, we extend to Ms. Everson our appreciation and our best wishes;

(HLS 466)

Presented by Representative PIERCE of Dresden.  
Cosponsored by Senator BAKER of Sagadahoc.

On **OBJECTION** of Representative PIERCE of Dresden, was **REMOVED** from the Special Sentiment Calendar.  
**READ.**

The **SPEAKER:** The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE:** Thank you, Mr. Speaker and Men and Women of the House, I rise today to give a brief history of Eleanor Everson, in recognition of her years of service to the Town of Dresden and its community. Eleanor was born, and I know she's going to kill me for this, in December 23rd of 1928. She belonged to a hard-working family who grew up on the banks of the Kennebec River.

Their family raised laying hens and ran a strawberry farm, and also housed men and women who worked in the ice industry. Her father built weaving looms and also built a scale model of an ice house operation that's now housed in the Dresden Historical Society. If anybody would like to see it, it's a great thing to see.

She's been involved in the community, as many of you have heard, for a number of years and served, I believe, on every board in the Town of Dresden. She's hosted the Dresden Historical Society's dinner for well over 25 years. I'd just like to thank her for being such a great asset to the community of Dresden and its townspeople, and I hope you give her all a warm welcome.

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

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**Recognizing:**

the Top Ten students of the 2015 graduating class of Mount View High School, in Thorndike: John Piotti, Valedictorian; Brooke Tripp, Salutatorian; Kersey Boulay; Nicholas Troutman; Asher Sizeler-Fletcher; Audrey Williams; Lindsay Morong; Darian Wren; Caleb Larrabee; and Robert Curtis II. We send them our congratulations and best wishes;

(HLS 473)

Presented by Representative KINNEY of Knox.  
Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative KINNEY of Knox, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

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**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)** on Bill "An Act To Fund the Maine Diversion Alert Program" (EMERGENCY)

(S.P. 475) (L.D. 1307)

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

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

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

Signed:  
Senator:  
HASKELL of Cumberland

Representatives:  
GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
STUCKEY of Portland

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-106)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-106)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-106)** in concurrence.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)** on Bill "An Act To Protect Young Bucks"

(S.P. 298) (L.D. 849)

Signed:  
Senators:  
DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:  
SHAW of Standish  
ALLEY of Beals  
CRAFTS of Lisbon  
HILLIARD of Belgrade  
MARTIN of Sinclair  
REED of Carmel  
WOOD of Greene

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

Signed:  
Representatives:  
COREY of Windham  
LYFORD of Eddington  
SHORT of Pittsfield

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (S-110)** Report.

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-110)**.  
**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-110)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-110)** in concurrence.

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-120)** on Bill "An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner"

(S.P. 108) (L.D. 294)

Signed:  
Representatives:  
BATES of Westbrook  
CAMPBELL of Newfield  
FECTEAU of Biddeford  
GILBERT of Jay  
LOCKMAN of Amherst  
STETKIS of Canaan  
WARD of Dedham

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

Signed:  
Senators:  
VOLK of Cumberland  
CUSHING of Penobscot  
PATRICK of Oxford

Representatives:  
HERBIG of Belfast  
AUSTIN of Gray  
MASTRACCIO of Sanford

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-120)**.

**READ.**

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

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. In 1972 I graduated from Southern Maine Vocational Technical Institute from its Heating and Air Condition Refrigeration course—two year program. The vast majority of that time was dedicated to learning how to service, install, and prep heating systems. We learned how to start up newly installed burners and restart a burner that had run out of oil.

It seems fairly simple in many cases, and in many cases it is, but there are those occasions when problems occur. During one of our classes, a couple of students had finished up preparing a newly installed oil burner for start-up. When they attempted to fire up the burner, it would not ignite, so they went and found an instructor in assist them. When the instructor got there, he



opened up the small hatch to take a look at the fire box and he told the students to turn on the switch. The students failed to tell him that they had tried that about five or six times prior to him getting there. This time the burner fired up and when it did it blew the smoke pipe out of the chimney and the flame came out of the hatch and singed both eyebrows on the instructor. In the business, this is called a "puff back."

We were taught over and over again during those two years that the most serious problem that anyone can have when servicing an oil burner is a "puff back." Now I'm concerned that if this bill passes the potential will be there for oil delivery people getting injured and the potential will be there for members of the household to be injured, and damage caused to home businesses, homes, or industrial businesses. I can't help but wonder how many times an oil delivery person will be allowed to hit the switch in an attempt to start a burner, and when a family is very cold in the middle of a winter's night, will they be able to admit defeat and walk away and tell the homeowner to call an oil burner service repair person. Or will they continue to try to help and get in way over their heads?

My experience has been that sometimes there is a lot more to it than just opening the bleeder port at the bottom of the pump. After graduation, I had to pass a test, a state test to become a journeyman oil burner repair person, and one of the things covered in that test was the starting up or re-starting of oil burners. A journeyman's license doesn't even allow you to service burners on your own. You must have a master mechanic with you to do so. I might have taken these courses many years ago, but believe me, the technology has changed very little. As a matter of fact, many of the burners that were in place in 1972 still exist today. Mr. Speaker, I request a roll call. Thank you.

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I happen to sit in this committee and to a very extent we spoke with the Commissioner, who was going to come up with a little knowledge for drivers. And as far as the last speaker that just spoke, it sounded like you had to be some kind of a whiz to bleed a line. It doesn't take any brains at all to bleed air out of a line, Mr. Speaker, believe me, or I wouldn't have supported this.

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

Representative **SHAW**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I, too, graduated from a Southern Maine Community College Oil Burner Technology course, and I would say that we should vote Ought to Pass as Amended. If you look at the amended version of the bill, it says that a training course would be required and that the oil truck driver would have to be certified on how to bleed the oil line properly.

Sometimes, people, whether they're, for whatever reason, do run out of oil. There's really not a whole heck of a lot of chance that they're going to be squirting oil into the combustion chamber if they're out when they get refueled. The oil truck driver could then go down and bleed the burner and restart it. And as long as they have the training, which is required under the amended version, I'm in support of the bill. Thank you.

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

Representative **STETKIS**: Thank you, Mr. Speaker. I'd like to reaffirm what the last speaker just said. The amendment to this bill, I think, will satisfy the safety issues that were posed earlier. The amendment requires certified training for the individual that will be performing this task. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, it was quite a few decades ago I had little kids and I was struggling to put oil in the tank. Unfortunately, by the time the technician got there, the oil delivery guy, my tank had run dry. And without somebody to teach me how to bleed it, it wouldn't have been started again, I would've had to wait for heat, and he told me, "I'm going to get in trouble if I do that." It was going to cost 50 bucks to have that done, \$50 I didn't have. I was lucky to have money to put the oil in the tank. He taught me how to bleed that tank. I do it myself, I can do it now. It's not rocket science. This is a good bill and I hope you'll pass it.

The **SPEAKER**: The Chair recognizes the Representative from Windham, Representative Bryant.

Representative **BRYANT**: Thank you, Mr. Speaker, Men and Women of the House, in Windham we have a nonprofit organization that provides emergency fuel to Windham citizens in an emergency need. And we send our trucks out, we have 100 gallons of oil, we try to put it in the tank, it works. As the good Representative said it, across the aisle, they run the tank dry, they need to bleed it, they can't bleed it, so now the emergency help isn't any good to them next day technician come out. This is just allows, with education, a chance for a delivery person to bleed the tank and I urge you to vote Ought to Pass.

The **SPEAKER**: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of this amended version to pass this so that, especially with regard to Tribal Elders who receive fuel in Aroostook County where, given their circumstances, it's helpful if, in residential settings, they can have an experienced fuel deliverer who already does this, but who can now do this legally and properly. We're not talking about a commercial starting of a furnace which has the limits and the requirements that have been spoken to by the good Representative a while ago. But this is residential. This would be very helpful. It would continue a practice and make it lawful, and so I would urge that you support this. Thank you.

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

#### ROLL CALL NO. 101

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean,

Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Mr. Speaker.

NAY - Beck, Short, Tucker, Wood.

ABSENT - Dillingham.

Yes, 146; No, 4; Absent, 1; Excused, 0.

146 having voted in the affirmative and 4 voted in the negative, with 1 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-120)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-120)** in concurrence.

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

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Ten Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought Not to Pass** on Bill "An Act To Allow Sunday Hunting for Coyotes in Northern Maine" (S.P. 249) (L.D. 691)

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

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

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-117)** on same Bill.

Signed:

Representatives:

CRAFTS of Lisbon  
SHORT of Pittsfield

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-118)** on same Bill.

Signed:

Representative:

WOOD of Greene

Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "B" **Ought to Pass as Amended by**

**Committee Amendment "A" (S-117).**

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

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

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## CONSENT CALENDAR

### First Day

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

(S.P. 288) (L.D. 814) Bill "An Act To Update the Maine Veterinary Practice Act" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

(S.P. 310) (L.D. 865) Bill "An Act To Protect Vision Care Patients and Providers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-114)**

(S.P. 438) (L.D. 1233) Bill "An Act To Improve Enforcement of Maine's Marine Resources Laws" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-109)**

(S.P. 453) (L.D. 1271) Bill "An Act To Protect Patients Who Need Eye Care" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 495) (L.D. 1362) Bill "An Act Concerning Membership on the Board of Directors of the Lewiston-Auburn Water Pollution Control Authority" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-112)**

(H.P. 322) (L.D. 483) Bill "An Act Regarding the Reporting Standards for Child Abuse" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-193)**

(H.P. 361) (L.D. 537) Bill "An Act To Prohibit Standardized Testing of Children before the Third Grade" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-198)**

(H.P. 443) (L.D. 662) Bill "An Act To Increase Access to Health Care through Telemedicine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-194)**

(H.P. 470) (L.D. 694) Bill "An Act To Improve the Veterans' Services Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)**

(H.P. 807) (L.D. 1175) Bill "An Act To Amend Maine's Motor Vehicle Statutes" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-191)**

(H.P. 840) (L.D. 1222) Bill "An Act To Remove Barriers to School Construction Financing in Regional School Units" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-197)**

(H.P. 917) (L.D. 1348) Bill "An Act To Protect Older Adults from Financial Exploitation" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)**

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 as Amended** and sent for concurrence.

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

#### UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-136)** - Minority (6) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Lienholders To Remove Liens Once Satisfied"

(H.P. 231) (L.D. 337)

TABLED - May 14, 2015 (Till Later Today) by Representative BECK of Waterville.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker and Members of the House, the rules, given the posture of this bill, the rules essentially require me to offer this Report, the Report pending before the House. I hope you oppose it. I hope you vote red on this motion for all the reasons that were discussed when the House last debated this proposal to create a new Right of Lawsuit regarding liens.

In the time since we last discussed the bill, there is some new information. This morning, the Maine Municipal Association came out strongly against this bill. I would urge members, if they have the time or the ability, to take a look at the fiscal note on this bill. It is a new unfunded mandate on our towns and cities. We should not be creating new Rights of Lawsuit out of whole cloth when no one testifies on a bill, and we should not be sending down more unfunded mandates on our towns and cities. Please oppose the motion. Vote red.

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, you will recall, we took a roll call on this matter yesterday and I'm not going to reiterate all the arguments that were stated at that point in time. It seems now we have new information in regards to this that the Maine Municipal Association's opposed to it. My understanding is in regards to the language of the bill, municipalities were exempted from the requirements of the 60 day notice and whatnot. And so, quite frankly, I think that as it applies to municipalities, the point is rather moot.

I think the larger issue here is: do we want to, and are we in favor of, consumer protection whereby people in a good faith gesture enter into a contract with a creditor with the anticipation

that upon payment and fulfillment of their part of the contract, their terms of the contract, they're simply going to do what they're expected to do, which is discharge a lien.

Now, the issue of the creation of a cause of action so that someone can collect their attorney's fees should be an incentive to creditors to promptly act in terms of discharging these liens by which they should be obligated to under the terms of the contract anyway. So, I don't quite understand the theory here that these people have two months to do this and we don't think that they should. I just don't get that. I will be supporting the motion and asking that you follow my light. Thank you.

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

Representative **FOLEY**: Thank you, Mr. Speaker, I spoke in support of this, Ladies and Gentlemen of the House. I'm a little dismayed at the communication from MMA today. While they're all in favor of removing the lien, they don't want to send the 44 cents addressed stamped letter to the person who they put the lien against. They don't want to act like everybody else acts.

As a selectman, I talked with my town treasurer. The first concern that they had was that it had to be certified mail. We took that out. They were fine with that. The other concern they had was that a provision of the bill that required they might have to pay the legal fees, we took that out for municipalities. The only issue that municipalities have is that if they satisfy a lien, they must send a letter, a 44 cent stamp, I don't see that that's an awful mandate. I think it's reasonable that they do so. If a lien's been put against your property, you've satisfied it, you have the right to know that they've discharged it, that your credit is not impacted. And I don't think it's unreasonable that they should act the same as everybody else. I urge you to support the motion. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you very much. Just a quick comment. I received a call from my town manager today saying that they don't believe they should have to send a letter out. The thing is, they impose the lien, I would say it's their responsibility to let the person know that the lien has been cleared. They made the comment though, "They can go to the Register of Deeds anytime and check on that lien." But, that is not their responsibility. The responsibility is for the towns to let the people know that that lien has been cleared, and for 44 cents, a simple stamp, it's not that big a deal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker, the good Representative from Newport, Representative Fredette brought up the fair point that it was his understanding that municipalities were exempt from the bill, and I should clarify that if you take a look at the text of the bill, and if you take a look at the fiscal note, which people should take time to do, municipalities are not exempt from the first section of the bill, but they are exempt from the second section of the bill that has to do with liability.

Representative Fredette also spoke about the idea that this is sort of a contract, notions of contract. If this is an issue of contract, then also the state is open to liability because the state cannot use the Tort Claims Act if there's some sort of breach of contract. And so, that was never discussed in committee. There was no testimony on the bill. But the fact is, this bill could open up the state to liability and it could handcuff their ability to enforce child support actions or DEP actions or revenue collection. So, for all those reasons, I hope we oppose the bill.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, very briefly, in response to good Representative from Waterville, Representative Beck's comments: Number 1, there were provisions of the bill that did exempt municipalities. I think that's accurate; and Number 2, his new argument seems to be that now the state should be exempt from, you know, if someone doesn't pay their child support or for some reason the state puts a lien on your property, now the state shouldn't have to put a discharge of that lien on your property. And again, the state should be held to a different standard now than a municipality or a regular creditor? I don't think that that's accurate either. I think we should support passage of the bill. 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, sometimes, many times, we all get a request from our constituents to put in a bill. This was a request from a constituent who actually had a lien placed on his property because an electrician hadn't been paid. The electrician then was paid, brought it to his attention, he paid the lien, and it wasn't discharged. The electrician then went out of business. This person had a lien on his property he couldn't get discharged.

I then found another situation where an individual had had some financial problems. Ten years later, he decided to get back into the credit business. He decided he didn't want any more, operated without it for 10 years, and then checked his credit score. His credit score was 482. "Oh!" So, he started looking down through and there were two, actually three, municipal liens from two significant municipalities. One was the City of Brewer, and the City of Bangor was the second.

Now, it's wonderful to exempt municipalities. But, yes, I understand registered letters. But 44 cents? We want to exempt and make sure that we pass this through the body at two thirds vote because of a 44 cent stamp? Do you know what this does to an individual's credit? Credit scores are important to people, and all we want to do is to make sure the person who puts it on sends a letter to those after they remove it. The title of the bill, "An Act To Remove Liens Once Satisfied." They get their money. Just take it off these people's credit score. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, seems sometimes around here we major on minors and minor on majors. I once cosigned on a note for a rental car for a family member, and a few years later when I was about to purchase a parcel of land, and my credit report indicated that I was still a cosigner on a rental purchase that had ceased a long time earlier, I immediately became very concerned.

The bill had been paid in full, but the rental company had never notified me or the bank, and obviously this was a great shock to me, and I got in touch with the company and had them send a letter to that effect to the bank. I think it is imperative that once the conditions of a lien have been met, then the lienholder should be notified, and I think a company like Honda could afford a 44 cent stamp to let the proper people know that all conditions have been met. Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen.

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

#### ROLL CALL NO. 102

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

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

ABSENT - Dillingham.

Yes, 70; No, 80; Absent, 1; Excused, 0.

70 having voted in the affirmative and 80 voted in the negative, with 1 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, Representative BECK of Waterville moved that the House **ACCEPT** the Minority **Ought Not to Pass Report.**

Representative FREDETTE of Newport moved that the Bill be **TABLED** until later in today's session pending the motion of Representative BECK of Waterville to **ACCEPT** the Minority **Ought Not to Pass Report.**

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative BECK of Waterville to **ACCEPT** the Minority **Ought Not to Pass Report.**

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

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

#### ROLL CALL NO. 103

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

NAY - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Herbig, Hickman, Hobbins, Hogan, Hubbell,

Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCraith, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Winsor, Mr. Speaker.

ABSENT - Dillingham.

Yes, 70; No, 80; Absent, 1; Excused, 0.

70 having voted in the affirmative and 80 voted in the negative, with 1 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative BECK of Waterville to **ACCEPT** the Minority **Ought Not to Pass** Report **FAILED**.

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, I find this very intriguing. To think that working on behalf of the smallest of all of us, individuals who are trying to maintain their credit score. And now we've come to a partisan issue in this body to help an individual deal with the massive load of credit and trying to negotiate this society. This puts so much pressure on people's credit.

In working this, somebody came to me and they said, "You know, I have a credit card and my credit score comes to me daily, and I went up to half the limit on my credit card and my credit score went down." That's just a small item. A lien placed on a person's property not released, and not released for 10 years, and oh! The solution was, "Call the city." He was lucky; he could call the City of Bangor and call the city of Brewer. And, you know what their response was? "Oh, I'm sorry, we can fix that right now. I'll get you a letter."

Well, this is a 10 year after letter. Well, why couldn't they have done it in 60 days? This affects every one of them out there, and we can fix this right now just by passing this very simple bill that removes a lien that is satisfied. Satisfied means it's been paid. It would be very nice if we could do the right thing for the little people in this state, and not respond to things that are so fun to say, and a handout passed around at the 11th hour from Maine Municipal.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, in committee I listened to the testimony of the gentleman from Orrington, Representative Campbell, and my recollection is that he was the sole witness. He presented testimony that in the case of liens filed by the City of Bangor, I don't remember Brewer but I assume that's the case as well. When the fact that the lien had not been lifted, a phone call to the city resulted in immediate rectifying the situation.

That's not to say that the City of Bangor was not remiss in not doing it immediately, but the point is this bill would not change the relief of the homeowner or the contractor, or whatever, one iota. You can't claim a Right of Action under this bill, or under other existing laws, until you know you have a problem. And there is absolutely no evidence in the record that there is a problem. That once the existence of the lien that should've been dismissed is discovered, there's no evidence that lienholders have been unwilling to lift those liens.

Secondly, there are existing options under the law to compel a lienholder to remove a lien that is no longer justified. This bill adds nothing, except the right to receive penalties, damages, and attorney's fees, a whole new cause of action which I submit is not the way we need to operate in these situations where relief is readily available. The complication that has arisen from this House having passed the bill with a favorable vote is that states, as well as municipalities, do not necessarily operate in the quickest fashion. And so, sometimes the lien has not been processed, the removal of the lien has not been processed within the required 60 days. Maybe they should, but do we really want to create a Cause of Action in those instances?

I submit that we do not; that this is an area of law with many different requirements under various situations where liens arise. The reason I voted against it initially was because I knew that we were not well versed in all those different fields. We didn't even know how far it extended. For example, the way the state applies liens in child support situations. I haven't the vaguest idea how that applies and how long it takes DHHS to lift those liens once they've been satisfied. So, we had no testimony on it and I felt that we should not wander into waters where we did not understand the situation. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it appears to me that we all have a little beige handout on our desk, although it didn't quite make it to mine for some reason, it made it to everybody else's. It appears to be distributed at the request of the good Representative from Skowhegan, Representative Jeff McCabe. And it appears to be from the Maine Municipal Association. And in that salmon color handout it points out a couple of facts which I think are relevant to this conversation.

In it, it acknowledges the fact that in a bipartisan way, Republicans and Democrats opposed the prior motion on the Ought Not to Pass, and in fact, passed this bill. Subsequently, it was Tabled and then here we are today. What has changed in the meantime, I'm not aware of what has changed. And so, the fact that we sort of once passed this in a bipartisan fashion, and now are defeating it in a partisan fashion, confuses me.

And what I hear in my caucus when we're talking about budgets and we're talking about the concern of this budget and the concern on local property tax payers, I think we all know in our local municipalities, we have people that are struggling to pay property taxes. And there are people, some of them paying \$20, \$30, \$40 a month in order to pay their local municipal taxes. And what you're saying in this vote today is as important as it is to provide municipal property tax relief to those people that are paying \$20, \$30, \$40, \$50 a month to pay their obligation to their local municipality, is they shouldn't expect in return a simple discharge of their lien. That is unbelievable. That is unbelievable.

In this handout it says, "Municipal tax officials strive to discharge tax liens in a timely fashion." Ladies and gentlemen, we owe it to those people out there, whether they be young people, middle class, senior citizens, that are simply striving to pay their municipal taxes, they're paying those taxes so they're not buying sneakers for their kids at school or maybe buying their drugs, but they believe that they need to pay those liens. Whatever the liens are, whether it's municipal or whether it's the car company, but this is the right thing to do. And the answer is, "We got new information from the Maine Municipal Association today, therefore defeat the bill along partisan lines." I don't believe that. We should defeat this motion and pass this bill like we did originally.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I wanted to stand up for a moment and just explain the reason for the handout today. Had many meetings on this bill, met with the bankers, credit unions, and others. Sort of felt this bill was unnecessary at this point based on how it's been amended. We took a vote the other day, the item was Tabled, some new information came forward, we brought that information forward, I felt it was appropriate to share that information with the entire House.

The email came out, most of us got it 8:11 in the morning. For many of us who receive action alerts from organizations, they go to our legislative email. Often we don't check those the same way we might check our Hotmail or our Gmail, or for some people who've had email for a while maybe even Yahoo. But, there it sits. There is Maine Municipal's opinion. It is an unfunded mandate. We've taken several votes on this issue. We'll take another vote on this issue. Maybe in the future this bill will come back in a different form. It'll come back, it'll be worked, it won't be a partisan issue. I actually don't believe this is a partisan issue. I believe it's a choice we have to make as far as the level of bill, the quality of bill, and whether or not we want to support an unfunded mandate.

I also wanted to say for a moment, there's many votes that we take in the House. Often we take votes on things—vetoes and other things—where new information comes forward and we change our vote; we educate ourselves along the process and our vote changes. So, I think that that has occurred today, it will probably continue to occur, and I just wanted to clarify that. So, thank you very much.

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

Representative **SAWICKI**: Thank you, Mr. Speaker, Members of the House, just a very quick observation. As a taxpayer, municipalities, towns, and even the state are very quick to send me a letter when I owe them money. And they don't seem to balk at the postage when we owe them money. They owe us a release of our lien. They can put a stamp on it and send us that letter. Thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this is a stamp. This is a stamp. This is a contract, just termination of a contract to say that you have paid your debt. Without sending that out, you could lose the home of your dreams, to no fault of your own. You could lose the sale of your house to no fault of your own. There's so many, this is a 44 cent stamp, that's the mandate for this that could cost an individual thousands and thousands of dollars in loss. It's just wrong.

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

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, I guess the biggest question I have here is why we want to reward bad behavior. This bill asked the town to send a letter after you paid your lien, or whomever you've paid your lien to. And we're saying that we don't want to do that. I served as a selectman. I've been part of that community. I would hope that my town would not be objective to this, and I know that they're not. I still don't understand, to this day, while you folks want to reward bad behavior. And bad behavior is not sending the letter.

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

Representative **TUCKER**: Ladies and Gentlemen of the Chamber, we're arguing completely in the abstract. When this bill was introduced, there was nothing in the bill about a lawsuit or about a Cause of Action; it wasn't there. All it said was that certified notice should be sent to the debtor after the lien was discharged. That's all it was.

There was no evidence presented to the committee by anyone other than the sponsor. No one proved that there was any harm, whatsoever, to anybody, other than the fact that a release had not been filed by a town which then, as soon as they were notified, they satisfied it, no problem. Now, we're arguing completely in the abstract, raising all kinds of social issues and so forth and so on, which were never raised, which were never shown, which were never proven. I would urge you to vote for the motion Ought Not to Pass.

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

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I know when we all ran back in November that we were all elected to this body by the people of our towns, and by the people of our districts. We did not get elected to this body to serve the Maine Municipal Association. And I would guess that every single person in every single one of our towns, if they had a lien, would want the town to send them a letter.

As a previous speaker spoke about this has got all messed up here, we're arguing over a stamp which is paid for from the tax dollars of those people that voted us into this office. And I believe every single one of those taxpayers would have no problem at their town meeting appropriating, oh, \$100 bucks, \$200 bucks to let them know that their liens were discharged and were satisfied. I bet every single one of us in our districts, and every single one of those people that have those liens would want their town to send them a letter. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, it's almost not even the letter, it's the fact they did not get discharged. And, both municipalities are significant municipalities. They just didn't remove the liens. Whoops, they didn't remove the liens. So, now we get something before us that says, "We had a meeting and we voted to oppose this bill." Well, Mr. Speaker, I'd like to propose a question through the Chair if I might?

The **SPEAKER**: The Representative may pose his question.

Representative **CAMPBELL**: At the rate of 44 cents, I would request the cost of this fiscal note, and I'd look forward to the answer. Thank you.

The **SPEAKER**: The Representative from Orrington, Representative Campbell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker, in regards to the Representative's question, the Office of Fiscal and Policy Review has said that this has a moderate statewide impact on municipalities. I don't think we can get the raw monetary figure unless, and I'm trying to stay within the rules, unless certain decisions are made about who bears the cost.

I did want to say, Mr. Speaker, that I believe our committee was terribly bipartisan and respectful and accommodating to the sponsor. We worked the bill several times. We notified the good sponsor when we'd be working the bill again. I don't know who's made this a partisan issue, or the issue of the session, but I don't think it's any members of our committee.

Representative FREDETTE **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 Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, sorry for rising again. The good Representative from Waterville mentioned about this fiscal note, and I just went online to try to pull up the fiscal note and there's nothing there, so, is it possible to get what the fiscal note is?

The **SPEAKER**: The Member will defer. The fiscal note is attached. If it is not pulling up online, it should. I can read the fiscal note if that would satisfy the member's request. "Requires a municipality to provide written notice by first class mail that a lien has been discharged. The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90 percent of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes." The local cost is a "moderate statewide" cost.

The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker, just a point of notice that, in fact, the fiscal note is available online, it's just filed under the amendment, not the bill.

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

**ROLL CALL NO. 104**

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

**NAY** - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Davitt, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harlow, 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, Sherman, Sirocki, Skolfield, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

Yes, 82; No, 69; Absent, 0; Excused, 0.

82 having voted in the affirmative and 69 voted in the negative, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**HOUSE DIVIDED REPORT** - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-182)** - Minority (3) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Laws Regarding Nuclear Power Generating Facilities"

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

**TABLED** - May 26, 2015 (Till Later Today) by Representative **GIDEON** of Freeport.

**PENDING** - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative **DION** of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED.**

The Bill was **READ ONCE**. **Committee Amendment "A" (H-182)** 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-182)** and sent for concurrence.

**HOUSE DIVIDED REPORT** - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-183)** - Minority (1) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers"

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

**TABLED** - May 26, 2015 (Till Later Today) by Representative **BECK** of Waterville.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-183)** 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-183)** and sent for concurrence.

**REPORTS OF COMMITTEE**  
**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To License Outpatient Surgical Abortion Facilities"

(H.P. 890) (L.D. 1312)

Signed:

Senator:

**JOHNSON** of Lincoln

Representatives:

**HOBBINS** of Saco

**EVANGELOS** of Friendship

**McCREIGHT** of Harpswell

**MONAGHAN** of Cape Elizabeth

**MOONEN** of Portland

**WARREN** of Hallowell

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

Signed:

Senators:

BURNS of Washington  
VOLK of Cumberland

Representatives:

GINZLER of Bridgton  
GUERIN of Glenburn  
HERRICK of Paris  
SHERMAN of Hodgdon

**READ.**

Representative HOBBS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today in opposition to LD 1312. I agree wholeheartedly with the sponsor of this bill that women seeking abortions should be safe. We all want women to be safe and the good news is that abortion is already incredibly safe. The truth is that LD 1312 has nothing to do with patient care. Proposals like LD 1312 are designed by politicians, not doctors, to shut down clinics and to end access to safe, legal abortion.

A wave of bills similar to LD 1312 have been proposed in states across the country and 27 states now have these burdensome requirements targeting providers. Nearly all of these state laws unnecessarily require clinics to be licensed as surgical centers, despite the fact that abortion clinics are only performing the same surgical services that are available in all of our physician's offices.

As a result of laws like this, clinics are closing. Last year, Texas passed a law requiring abortion clinics to be regulated as surgical centers. As a result, 32 clinics were forced to close in a matter of months, leaving just eight in the entire, geographically very large, state of Texas. Supporters of the Texas bill pushed the law in the name of women's health and safety. The resulting law cut off access to a woman's constitutional right to autonomy over her body, making abortion impossible for many women to access safely. Again, this bill is not about safety and women's health. And, it's not necessary.

Abortion providers in Maine are already regulated appropriately. There are already a range of regulations that govern abortion providers in the state to ensure women's health and safety. Maine already provides strict oversight of all providers regardless of where they practice via a combination of existing laws that require inspections, investigations, and licensing. Maine already requires physician licensure and reporting and empowers the state to investigate any complaints. And, providers must already follow all of the practice rules and mandatory reporting requirements set forth by the Board or have their license revoked.

Here is what we know for sure: when women are denied their constitutional right to access safe and legal abortions, the number of abortions do not decrease. Instead, women turn to the black market, to unlicensed providers, and to other means that can result in complications easily avoided at the clinic. We

cannot put Maine in such a precarious position. I hope you will join me in protecting women's health and safety by opposing this bill and voting yes on the pending Ought Not to Pass 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, I want to thank the good Representative for mentioning Texas. Texas did, indeed, put onerous regulations on their clinics in that state. That's why this regulation is not crafted after Texas.

Recently, LD 1312 is a truncated version of the landmark bipartisan legislation that was passed in Maryland last year. It was passed in response to a tragic story of an 18-year-old woman who sought out a New Jersey physician for abortion services, a story which spanned state lines. Severely injured during a procedure starting in New Jersey, this young woman ended up in an unmarked, unregulated clinic in the Elkton Mall in Maryland before being dropped off at a hospital. Through the course of investigations, this particular physician was found to have operated clinics in several states and it was reported that for 2 decades he faced complaints of substandard care, as well as being barred from medical practice in both Pennsylvania and New York.

As a result of this tragedy, Maryland brought healthcare professionals, not politicians, but healthcare professionals and officials and advocates together to craft new rules and attain the goal of making abortions as safe as possible, without creating the burdensome and impossible regulatory requirements such as what were proposed in Texas legislation and other areas of the country.

Frances B. Phillips, the former Deputy Secretary of Public Health in Maryland was quoted in the *New York Times* saying, "Both sides realized we needed new rules, but we kept the focus on patient safety." Patient safety. Even Maryland Planned Parenthood representatives who are often skeptical of any new regulation for fear of erosion into reproductive rights were reported to have called this state's licensing rules "reasonable and helpful." LD 1312 is drafted much narrower than even Maryland's new rules, and it also seeks to "keep the focus on patient safety."

Maryland officials had determined that most abortion clinics in the state were safe, and I believe Maine's are, too. Nevertheless, they tried to devise a licensing regime to detect and prevent violations. "The idea is to take action before there's a problem," was quoted Doctor Joshua M. Sharfstein, the state's Secretary of Health and Mental Hygiene. I believe this excerpt regarding Maryland officials attesting to the safety of their clinics certainly applies to Maine clinics today. But, as the good doctor stated and was quoted in the *New York Times* article, "The idea is to take action before there is a problem." The men and women of Maine should have the assurance that we will never, ever have an Elkton Mall event here and they are guaranteed quality, safe care.

I presented the committee with a bulleted list of criteria outlining nine areas of oversight. These areas are reasonable, compilation of criteria that every facility which provides surgical procedures are part of their routine services should already be doing. Therefore, licensure under these parameters should not be burdensome. They included a plan for immediate transfer to a hospital. Under surgical services: anesthetic and risk evaluation, discharge planning; evaluation and quality: sentinel reporting; environment: infection control; emergency equipment; medical staff; medical records: form and content; pharmaceutical services



and the administration of medications; and laboratory and radiologic services, if applicable.

That was the scope of licensure for which we're going for. I specifically, in that list, indicated that they would not be required to the onerous regulations in Texas: hall widths, location in relationship to a medical facility, physician practice rights at the nearest hospital. Those would, indeed, create barriers for our facilities here in this state to stay open, and that is not the intent of this bill. The intent of this bill is not to close these facilities.

Regardless of how safe abortions are reported to be, as with any procedure, complications can happen. Requiring clinics to have an emergency plan, emergency equipment, and protocol outlining anesthetic risk evaluations and discharge planning is not unreasonable. The two most common complications are a perforated uterus and infection. Infection control protocol for procedure rooms and recovery rooms are, again, not unreasonable. Documentation for patient records—they should be complete.

At the direction of this legislative body, the Department of Health and Human Services requires many, many different providers to be licensed and inspected by the State of Maine. Beyond medical facilities, we license hair salons, B&B's, food establishments, campgrounds, daycares, cottage industry kitchens in personal homes—they're licensed—as well as tattoo parlors and tanning salons. With all the entities that we license in order to ensure public health for Maine citizens, does it make any sense that clinics which provide surgical procedures on a routine basis not be subject to licensure or oversight?

In regard to this bill, LD 1312, how one feels about abortion is irrelevant because 1312 is not about restricting abortion. It's about a clinical environment which provides a surgical procedure on a routine basis. Yes, that procedure happens to be abortion, however, if you took that out of the equation and just look at it as a clinical environment which provides a surgical procedure on a routine basis, can you honestly say you would not expect that surgical clinic to have any kind of oversight?

In closing here, regardless of what you believe or think about the availability of abortion services, they are legal, they are here to stay, but we don't know what challenges a woman may be facing or the difficulties which lead her to contemplate whether to terminate a pregnancy or not. That's a very private and very personal decision, and one that only she can make. However, while a woman or a couple grapples with this decision, the one thing they should never, ever have to worry about is whether the providing clinic they choose to utilize is clean or safe. They should never be subject to the possibility of what happened in Pennsylvania or the Elkin Mall in Maryland. That is the intent of this legislation to provide that that never happens here, that procedures that we offer in the state are safe, accessible, and women can be confident in that. Thank you. I urge you to oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise to urge you to vote Ought Not to Pass on LD 1312. All bills that come before us in committees and on the floor of the House require our careful scrutiny, considering their merits and any problems they are likely to create. I urge you to look closely at what passage of LD 1312 would do to women's health and safety.

What this bill would do is place us in the position of interfering with decisions that belong between a woman and her medical professional, not between a woman and her legislator. Imagine yourself in this situation. Who do you want making medical decisions in partnership with you? What this bill would do is

cause safe, high quality, needed health centers to close. What this bill would do is restrict access to legal, safe abortion.

Right now with Maine's regulations, there is already strict oversight of all abortion providers, regardless of where they practice. We have a combination of effective laws that require inspections, investigations and licensing. Right now, abortion has over a 99 percent safety record. By ignoring the regulatory oversight and safety record we already have in abortion procedures, what this bill would do is put unnecessary restrictions on certain abortion providers, not all abortion providers, certain ones. This bill specifically targets three abortion providers: Maine Family Planning, Mabel Wadsworth, and Planned Parenthood, and these providers alone.

The truth is that abortions are not just provided in these health centers; they are also provided in hospitals and doctors' offices. The truth is that abortions, and many other medical procedures, are performed in doctors' offices every day, procedures such as vasectomy, cystoscopy, colposcopy, colonoscopy, sigmoidoscopy, skin biopsy, abscess incision and drainage, dental extraction, eye surgery, tubal ligation and many more. Our current system is working. Abortions and these other procedures are done safely now. And the number of unintended pregnancies is down. The number of abortions is down. Our plan is working, our policies are good.

What this bill would do is ignore the advice of the Maine Medical Association and the Maine Chapter of the American College of Obstetricians and Gynecologists who oppose this bill precisely because it would hurt women by blocking their access to safe, legal medical care. Under the label of safety, this bill would close health centers and force us to go backward in medical care to a time when access to legal, safe abortion was nearly impossible. What this bill would not do is protect women's health and safety. 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, you know I don't think I'm going to live long enough to see this go away. It's every, every year. This is not a medical bill, it's nothing but a political bill. In Saudi Arabia, a woman can't drive a car. In most Arab countries, they have to cover their whole face and just show their eyes.

In this country, year in and year out, some politicians spend a lot of their time thinking, "What's going on in women's drug stores?" "What's going on in their doctor's office?" And, "What's going on in their bedrooms?" And it's about time that the politicians started treating women and let them make their own decisions. And not trying to make them for them. Because it's none of their business. If you don't want an abortion and you're a woman, don't get one. Simple as that.

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

Representative **HANLEY**: Mr. Speaker, thank you. Ladies and Gentlemen of the House, I find it strange that in this state in order to milk a cow and sell her milk, you have to prove to the state that you wash the udder and keep the room clean that you perform this in. But in the same state you are not required to do any of these things to perform an abortion. I think there is a disconnect of logic sometimes in this chamber. Thank you.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I certainly agree with the good Representative Campbell that I hope that someday that abortion won't even be an issue. With the onset of the

technology of sonograms, people can clearly see what is inside a woman's body, and it appears to be a baby to me.

But, related to this bill, this is about the safety of a medical facility and nothing more. All of my adult life I have heard from the pro-abortion supporters that they want abortions to be safe. "Safety, safety," that's what they always say. So here is your chance for safer abortions.

This bill deals with the licensing of a medical facility to make it safer for women. Something that Judiciary does not deal with is licensure, so my familiarity with this licensing issue is limited. Thus, I will quote from the testimony of a doctor in my part of the state, Doctor Jack Forbush. Doctor Forbush says, "The professional licensure of physicians and staff in the employment of outpatient surgical facilities is not, nor should it be, a replacement for the requirement that an outpatient surgical facility be duly licensed. Professional licenses represent the qualifications of the professional, not those of their facility or employer. This distinction is well established across a multitude of professions and ought to be the case with outpatient abortion facilities. No outpatient surgical facility of this type should receive special treatment."

It should seem appropriate, in the interest of public health and patient safety, that operational and safety standards are not only established but required for all facilities providing medical services. Enacting this piece of legislation would bring outpatient abortion facilities in line with the standards established and expected, for all other outpatient facilities such as labs, diagnostic centers and other outpatient surgical facilities. Please follow my light for a safer Maine for women.

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

Representative **TEPLER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, if we're really concerned about the safety of outpatient surgical centers and protecting the women of our state, perhaps we should be looking at those many outpatient centers that offer cosmetic procedures throughout our state. Why are we so concerned about this particular type of outpatient surgical center? It is a far safer kind of procedure than many of those done cosmetically for women at outpatient centers throughout the state. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Men and Women of the House, health care providers who provide abortion are already making sure women provide the highest quality health care in the most safe and respectful environment, which is why abortion, as we've heard, has a safety record of over 99 percent. This bill was written by politicians, not medical experts, and is an attempt to give sweeping authority to the Department of Health and Human Services without any real parameters.

The truth is that we already have a wide range of regulations that govern abortion providers in this state to ensure women's health and safety. The state currently provides strict oversight of all abortion providers regardless of where they practice through a combination of inspections, investigations, and licensing. Maine law requires physicians to be licensed, comply with reporting requirements, and empowers the state to investigate any complaints. Make no mistake, the goal of this bill is to make access to safe, legal abortion difficult or even impossible. Please vote in favor of the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

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

The SPEAKER: The Representative may pose her question.

Representative **O'CONNOR**: Could you please, or anybody in this body, please tell me who inspects these facilities now, and how often?

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the right of a woman to terminate her pregnancy is based in Constitutional law in the right of privacy. However, it is also strongly connected to equal protection notions, and I think this bill makes that thread of law and principle very apparent.

Why, for example, are we not proposing the similar restrictions and oversight by the Department of Health and Human Services for male reproductive health? Why not the clinics of urologists, who perform vasectomies and operations and procedures relating to prostate gland? I don't see any effort, any interest in doing that. And, if anything, they're probably just as risky, or not very risky, probably more so.

So, this is about women. This is about a procedure that only women undergo. Only women get pregnant. Only women need to make a choice about whether or not to terminate a pregnancy. Thank you.

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

Representative **SIROCKI**: Thank you, Mr. Speaker, I would like to share some information from the Report of the Grand Jury in Pennsylvania, District Attorney Seth Williams, page 11, regarding Doctor Kermit Gosnell and his clinic, which was called the Women's Medical Society. Part of the report reads, "See no evil. Pennsylvania is not a third world country."

Now, I'd like to back up just a moment, because before February 18, 2010, and the FBI looking into this clinic, I think most Pennsylvanians would've thought their abortion clinics were safe as well. "There were several oversight agencies that stumbled upon and should've shut down Kermit Gosnell long ago... And in the end Gosnell was only caught by accident when police raided his offices to seize evidence of illegal prescription selling. Once law enforcement agents went in, they couldn't help noticing the disgusting conditions, the dazed patients, the discarded fetuses." That is why our clinics need to be licensed and inspected. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to LD 1312 and support the pending motion. As an office and hospital-based physician, I have experienced a wide variety of medical procedural settings. This is a bill that seeks licensure and regulation for a procedure that is less invasive than other office-based procedures. The physician, him or herself, is licensed and accountable, not the facility.

Here are some other procedures that are not performed in licensed surgical facilities, and are performed in doctor's offices that do not need to be licensed. Licensure would go beyond what is necessary to ensure public safety. It is not necessary. Here are examples of office procedures similar or more invasive than abortion procedures. One: endometrial biopsy, which uses the exact same anatomical approach into the uterus to cut away the area in the uterus that might be cancerous; Two: LEEP (L.E.E.P.). It's to coagulate a precancerous lesion on the cervix; Three: Assure, which is a permanent form of birth control, where nickel coils are threaded through the cervix and the uterus to block the fallopian tubes; Four: In vitro fertilization, when a fertilized egg is inserted into the uterus; Five: Vasectomy,

obviously a different anatomical approach, but it is a safe, office-based procedure.

Then, there is oral surgery. Some may have had experiences with oral surgery. Oral surgery facilities do not require licensing because the dentist is licensed and accountable. Endoscopy, another one, do not require a licensed, regulated facility, rather the physician is licensed and accountable. LD 1312 is a bill that goes beyond what is necessary to ensure patient safety. It adds cost and it adds bureaucracy, and ultimately blocks access to women. I urge you to vote "nay." Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker, Women and Men of the House, I ask you to vote Ought Not to Pass on LD 1312. LD 1312 is known as a "trap" bill—a targeted regulation of abortion providers. We all want to protect women's health and safety, but LD 1312 won't do that.

What LD 1312 will do will be to restrict access to safe, legal abortion through the creation of rules and regulations just like the legislatures have done, as we've talked before, in Texas, Alabama, and Mississippi, and also most recently in other states such as Virginia. It is targeted to shut down here in Maine three of our abortion provider services. This bill was written by politicians, not medical experts, and it would give sweeping authority to the Department of Health and Human Services to draft major substantive rules to regulate abortion providers without any real parameters.

Physicians who provide abortion services support oversight and regulations that protect patient safety. LD 1312 would not do that. And in regard to who regulates the abortion service providers, those three that are being targeted, the answer is there are a range of regulations that govern abortion providers in the state. May provide strict oversight of all abortion providers regardless of where the practice by a combination of existing laws that require inspections, investigations, and licensing. Maine requires a physician licensure and reporting and empowers the state to investigate any complaints. Providers must follow all of the practice rules and mandatory reporting requirements set forth by the Board or their medical license can be revoked.

The goal of this bill is to make safe, legal abortion difficult, or even impossible, to access in Maine. The Maine Medical Association and Maine Chapter of American College of Obstetricians and Gynecologists oppose 1312 because it could hurt women by blocking access to safe medical care. So, whether this bill is tailored narrow or not, or whether we are talking about this bill 1312, or the next one LD 83, I am sure I am speaking for the majority of women in Maine and in the United States when I close with these two very simple facts: Women don't like to be told what they can and cannot do, and women don't like to be told what they can, where they can, and cannot go to. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PICKETT**: Thank you. I've heard two speakers now speak about the safety about this issue and about inspections and about there being inspections here in Maine. The good Representative O'Connor asked that same question. We've heard about these inspections. How often and who is actually doing these inspections? We're talking here on the House floor about safety of women and all of us want women to be safe in these procedures. We're talking about inspections, but

who is actually doing them and how often? I would think that all of you ladies in the House would be concerned about that issue and actually want an answer to that question. Thank you, Mr. Speaker.

The SPEAKER: The Representative from Dixfield, Representative Pickett, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker, the answer to the question is that, similar to all medical providers and medical treatments, it's the State Board of Medicine who does the inspections. Thank you.

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

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

The SPEAKER: The Representative may pose her question.

Representative **AUSTIN**: Mr. Speaker, thank you. I, actually, was going to ask that very question again because I think it's imperative that this body have all the information. How often are those inspections carried out? I'd appreciate that answer.

The SPEAKER: The Representative from Gray, Representative Austin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising twice, but it's my understanding the State Board of Inspections does not actually go into these facilities and conduct routine inspections. Also, the good Representative from Cape Elizabeth said this is a tarp bill, a trap bill, excuse me, a trap bill. As indicated also on a document that was handed out by the Maine Medical Association. It says, "Maine's Attorney General has warned about the litigation risk of trap bills. Texas and Mississippi have experienced such litigation." Yes they have. Maryland has not. That's why this bill is crafted very, very loosely, and a truncated version of the Maryland bill. Maryland bill has not had any challenges. Why? Because healthcare professionals put together the criteria for the legislation and what they thought were fair and reasonable and smart measures to make sure the clinics providing services to men and women were done so in a safe and appropriate manner.

The scope of licensure, we've heard here debate saying that the scope of licensure is undetermined. At the committee level, I provided them again with a bulleted list of a very narrow set of criteria of which the state would have had authority under which to license. Not one, not one set of those criteria had anything to do with whether a woman could choose, couldn't choose, where she chose. It's strictly infection control, documentation, emergency plan, a discharge plan. Where do you tell a 20-year-old girl who's just made a very, very hard decision, but made this decision and it's her right to do so, what do you tell them after this procedure is done, should they experience any complications? What do you tell them? That's part of a discharge plan. And I think that's important.

All these things these clinics should already be doing. There's absolutely not a single thing in here that would have created any hardship, made any changes, to while they should already be functioning. Another piece of the puzzle is, is in the department's testimony that they submitted to the committee, one of their suggestions was that the bill be amended to have routine technical rule-making authority. I put major substantive rule-making authority for a very specific reason—because this is a sensitive subject, because women do rely on these clinics for services, because I did not want the department to have the

ability to go beyond the intent of this bill. I wanted "major substantive" in there so we would have two chances to make sure that the department did not exceed the intent of the bill for which I intended, that they did not go any further, and that the very access for women that we're debating about today is not infringed. That's why I asked for routine major substantive rule-making authority. We had the final look. I think that's important. Thank you.

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

Representative **BURSTEIN**: Thank you, Mr. Speaker, Men and Women of the House, I didn't mean to stand here today, but I do need to stand because as a mother, as a nurse practitioner, and as somebody who's run operating rooms for her profession for many years, I've been in situations where people could've died. And these operations are done in back rooms of doctor's offices.

These clinics that we're talking about, family planning and Planned Parenthood, are professional. They know what they're doing. Abortion's been legal since 1973. They are regulated where the people come in for the Medical Board and they're clean, they know what they're doing. They have discharge planning. It's really crazy that you're going down this path saying that these people don't know what they're doing. They provide a family service and a family planning situation. So, I'm just amazed that we still want to get involved with our own, that people want to get involved with women's bodies and women's own healthcare. Where, you know, I really do think our religious beliefs need to stay out of the State House, keep them to yourself, and you have to think of women as being an intellectual and that they can decide for themselves. Thank you, Mr. Speaker.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, forgive me for rising again, but I had to say that this being a simple procedure, if we were going to go along this path, abortion was obviously picked out, but if we were going along this path, we would have to do exactly the same thing to urology offices, to gynecology offices, to obstetrical offices, to all of the plastic surgery offices. This does not meet the quality of a surgical center. This is a small procedure. There are many other outpatient procedures that we regulate the physicians and the healthcare providers. 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. 105**

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

NAY - Austin, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke,

Head, Herrick, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, Martin J, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Fredette, Timmons.

Yes, 84; No, 65; Absent, 2; Excused, 0.

84 having voted in the affirmative and 65 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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On motion of Representative WARREN of Hallowell, the House adjourned at 12:50 p.m., until 10:00 a.m., Thursday, May 28, 2015, in honor and lasting tribute to Robert Ridgewell, of Phippsburg, the Honorable Stanley Sproul, of Augusta, Harold Greeley, of Freedom and Harold E. West, of Milbridge.