

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
49th Legislative Day
Thursday, May 28, 2015

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

Prayer by Lieutenant Joel Lyle, Pastor, Salvation Army, Oakland

National Anthem by Winslow Junior High School 7th and 8th Grade Concert Band.

Pledge of Allegiance.

Doctor of the day, Andrew Perron, M.D., Falmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Extend the Funding Period for Landfill Closure Costs"

(H.P. 404) (L.D. 580)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115) in the House on May 12, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-115) AND SENATE AMENDMENT "A" (S-113) in NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act To Lower the Eligibility Age for a Junior Hunting License"

(H.P. 114) (L.D. 156)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105) in the House on May 5, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-105) AS AMENDED BY SENATE AMENDMENT "B" (S-123)** thereto in **NON-CONCURRENCE.**

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

Non-Concurrent Matter

Bill "An Act To Eliminate the Requirement That Truck Campers Be Registered"

(S.P. 476) (L.D. 1308)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in the House on May 14, 2015.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (5) **OUGHT TO PASS** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE.**

Speaker EVES of North Berwick moved that the House **INSIST.**

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **INSIST.**

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

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

ROLL CALL NO. 106

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Hamann, Herbig, 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, Schneck, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

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

ABSENT - Bickford, Buckland, Dion, Hickman, Kinney M, Saucier, Wadsworth, Ward, Winsor.

Yes, 74; No, 68; Absent, 9; Excused, 0.

74 having voted in the affirmative and 68 voted in the negative, with 9 being absent, and accordingly the House voted to **INSIST.**

COMMUNICATIONS

The Following Communication: (S.C. 362)

**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 525, "Resolve, To Direct the Department of Health and Human Services To Report on Efforts To Reach in Rural Areas Persons Who Are Elderly, Disabled or Mentally Ill."

This unfunded mandate requires that the Department hold a public hearing in Piscataquis County and report on its efforts to reach clients in rural parts of Maine who are elderly, disabled, or mentally ill, and whether the Department is accessible to them.

As indicated at the public hearing, offices within the Department already hold weekly, monthly, or quarterly calls or meetings with Piscataquis County residents, providers, and stakeholders. These offices include Substance Abuse and Mental Health Services, the Office of Aging and Disability Services, and the Office of MaineCare Services. Additionally, the Office of Aging and Disability Services contracts with the Eastern Area Agency on Aging to provide services to Piscataquis County residents. These services include the Senior Food Bank, Meals on Wheels, the State Health Insurance Assistance Program, Savvy Caregiver Training, Elder Buddies, and Pantry Partners. Additionally, a

Department computer kiosk is located at Penquis CAP, which provides access to Department services. For those who find computers difficult to use, Maine's health and human services information line, 2-1-1, is available around the clock to assist an individual in finding the services they need. A bevy of State resources are already deployed to reach our rural residents, including those in Piscataquis County. This resolve is unnecessary.

For these reasons, I return LD 525 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item Resolve, To Direct the Department of Health and Human Services To Report on Efforts To Reach in Rural Areas Persons Who Are Elderly, Disabled or Mentally Ill (S.P. 194) (L.D. 525)

In Senate, May 27, 2015, this Resolve, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Resolve become a law notwithstanding the objections of the Governor?'

33 voted in favor and 1 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Resolve become law and the veto was overridden.

The **SPEAKER**: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Men and Women of the House, I just want to remind folks a little bit about this bill. I think we talked about it a few weeks ago. This was a bill that was brought by the Senator representing Piscataquis County to the Health and Human Services Committee, and when he presented that bill, I learned a number of things thanks to his testimony in front of us.

Piscataquis County is the most rural county in the most rural state in the United States, and it's the largest county east of the Mississippi River by size. But the Department of Health and Human Services, our Department of Health and Human Services, has no regular presence in that county other than a computer kiosk at the Penquis office in Dover-Foxcroft. And, when we talked about this bill, the reason I supported it, the reason I'm asking you all to continue to support it is because really what it asks is for the department to take a look at the way it is serving people with mental illness and our elderly and people with disabilities in that rural county, and also in rural counties throughout the State of Maine. And, hold a meeting really focusing on what the needs of those folks are, and really look very carefully at what needs to be done to support the elderly, people with mental illness, and people with disabilities.

These issues are throughout the state. The needs might be different depending on whether you live in an urban area or a rural area, but I think as a body we really need to support these services and the needs of people no matter where they live in Maine. This is an important bill, I think, to support people in rural areas and I hope we'll be able to override the veto today. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill did bring a very

good point to us as a committee, however, we don't need a Resolve to accomplish this task. The Department of Health and Human Services contracts with many individuals and agencies up in Piscataquis County, the Area Agency on Aging and many different individuals there who are supposed to be doing, under the terms of their contract, providing access to these services for the individuals who are unable to either get to the kiosk, understand the kiosk, or get where they need to be.

This bill is actually watered down to merely require a visit or meeting with the department and the public. This can be done without the Resolve. And, in fact, the Representative from the Department of Health and Human Services said they would be happy to help facilitate this particular meeting to hear the area public's concerns. So, we don't need the Resolve to do it. The department would be willing to set up that meeting, to meet with the public, and then or course also address the concerns of the advocates and groups that they contract with to make sure these services are available.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to discuss an issue on this Resolve. The Resolve was placed by Senator Davis from Piscataquis County after repeated efforts by Senator Davis, Representative Stearns, and myself to, in fact, have a public hearing to assess the level of services, delivery of services in Piscataquis County. In fact, if the Department of Human Services had, in fact, agreed to do that, this Resolve would not have been presented, we would not be here today having this conversation.

Piscataquis County does not have any offices of the Department of Health and Human Services. Our residents have to travel an hour and a half to two hours to access those services unless they're delivered by DHHS inside the county. So, this is simply a request to the Department of Health and Human Services to hold a public hearing to determine the level of services that are being provided to the citizens in Piscataquis County. I stand today and urge you to override the veto on this particular bill. Thank you very much.

Representative McCABE of Skowhegan **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 East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, and I apologize for not rising. I had a little mishap on the way to caucus this morning, so I can't really walk too well. That being the case, I do speak on this motion, this override, and I will be voting to override because it is important that rural Maine stick together. My colleagues from Piscataquis County have made an excellent case.

But another brief point I would make is: sitting in State and Local Government yesterday for six hours on a bunch of hearings, we heard from a bunch of people from all over the spectrum who are dissatisfied about the inaccessibility of government. And this would go a long way, at least in this instance, and maybe in others down the road, to improve relations, and maybe restore those people's faith. Thank you, Mr. Speaker.

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

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Speaker, while I certainly recognize the mild disdain on the part of the Chief Executive for Resolves, in this particular case, when we met with citizenry and actually went on site to see how the Department of Human Services was going about delivering services, one of the pieces that really jumped out was an electronic kiosk; a chance for people to come in and access services by going online. And, if you know many typical Mainers, whether rural or urban, with that Maine pride, often times facing something as simple as that kiosk might be a real problem.

This Resolve would, the importance of it, as much as anything, is to send a clear message to the folks in Piscataquis County that: Number one, it will increase their knowledge of the fact that often times they do not have to travel to Bangor. Students won't need to be pulled out of class, take an all-day trip, to go get a half hour counseling. They'll learn more about the services that are available; And Number two, it will give the department clear information about small boots-on-the-ground problems that are taking place in the county. So, I would urge you, for that reason, to override the veto. Thank you.

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. 107V

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

NAY - Austin, Dunphy L, Espling, Farrin, Guerin, Lockman, Nutting, Parry, Prescott, Sanderson, Sirocki, Sukeforth, Vachon.

ABSENT - Bickford, Buckland, Dion, Kinney M, Wadsworth, Ward.

Yes, 132; No, 13; Absent, 6; Excused, 0.

132 having voted in the affirmative and 13 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 363)

**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 737, "An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses."

This bill was introduced in response to a tragic car accident which claimed the life of a teenager in Maine. The main element left in this amended bill will allow the Secretary of State to offer optional decals to individuals with an intermediate license to place on their vehicle for the purpose of raising awareness to safe driving. Although this is a noble cause with great intentions, I cannot support this bill. This particular decal could allow criminals to easily identify vehicles in which the driver will most likely be alone and young. Instead of relying on a decal, we must continue to focus on educating young individuals about the consequences of distracted driving and violating motor vehicle laws. We must also constantly remind young drivers that operating a vehicle has and will always be a privilege, and great pain can be caused if this privilege is not taken seriously.

For this reason, I return LD 737 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/ Paul R. LePage

Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses

(S.P. 267) (L.D. 737)

(C. "A" S-58)

In Senate, May 27, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions 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?'

23 voted in favor and 11 against, and 23 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Taylor's Law, as this particular bill is aptly named, seeks to strengthen the enforcement of existing law that bars drivers with immediate licenses from carrying passengers, except under certain circumstances. This bill would provide decals that could be posted on vehicles of intermediate drivers, and it's named after Taylor Darveau, of Bucksport. She was 15 years old and she died in a car accident several years ago. She died in a car that was being driven by a 16-year-old with an intermediate license.

This issue was brought forward and our committee took it upon ourselves to try and strengthen the laws that would prevent any young person from dying tragically in a car accident. And, this is what that bill, in fact, does: Creates a voluntary program for

families to provide for a sticker that would signify the fact that they have an intermediate license and are not permitted to have others of their age in their car. And, I would urge the body to support the override on this bill. Thank you, Mr. Speaker.

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

Representative **PARRY**: Thank you, Mr. Speaker, I rise to agree with my House Chair. This was the original bill I don't think any of us agreed with because there was a lot of things that were in the original bill that really restricted family members, and different issues like that. But, and also, most of us on the committee, I think, had a problem with making it mandatory. But, we spoke with the parents, and in the end we all agreed in committee that we thought this should go forward as a voluntary measure on the Taylor Law sticker. And, it's totally up to parents if they want to have the sticker on their vehicle, so I would urge you to override the veto.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, as has been mentioned, this is a sad situation that occurred in Bucksport. This young lady had come from a school function and had an interesting and sad dialogue with her parents in the parking lot, then got into a car with somebody else driving, was pursued by boyfriend and step-brother, and within a very short distance, at very high speeds, went off the road and hit a huge pine tree and killed Taylor.

And, I just believe that this is a very good opportunity for parents to, at an option, send a message that the drivers should be more aware. And in tribute to Taylor, I surely ask that you pass this bill. Thank you.

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. 108V

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

NAY - Austin, Chenette, Corey, Dillingham, Edgecomb, Gerrish, Ginzler, Grohman, Guerin, Hanley, Hawke, Head, Herrick, Hilliard, Jorgensen, Lockman, Lyford, Malaby, Marean, Nutting, Picchiotti, Pierce J, Sanborn, Sanderson, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Vachon, Wallace, White.

ABSENT - Bickford, Buckland, Dion, Kinney M, Ward.

Yes, 114; No, 32; Absent, 5; Excused, 0.

114 having voted in the affirmative and 32 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (H.C. 170)

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

May 28, 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 26, 2015

Honorable Wayne R. Douglas of Ocean Park
Honorable Bruce C. Mallonee of Bangor and
Honorable Lance E. Walker of Falmouth

for appointment as Justices to the Maine Superior Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sarah E. Newell, Esq. of Winterport for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Admiral Gregory G. Johnson of Harpswell for reappointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Susan E. Roy of Waterville for reappointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Richard Ezzy of Caribou for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

John P. Moore of Yarmouth for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Nicole L. Boucher of Lebanon for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Jonathan B. Mapes of Springvale for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Glenn W. Burroughs of Lewiston and Gary M. Koocher of Portland for reappointment to the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA §151, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

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

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

The Following Communication: (H.C. 173)

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

May 28, 2015
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Eves:
Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

- Judiciary
L.D. 962 An Act To Require the Attorney General To Investigate the Death of a Person in Police Custody or in a Correctional Facility
- L.D. 1261 An Act To Correct Defects in Title Created by Improperly Discharged Mortgages
Labor, Commerce, Research and Economic Development
- L.D. 1195 An Act To Amend the Laws Governing Workers' Compensation
- L.D. 1404 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Court Reporters and Legal Recorders
- Taxation
L.D. 542 An Act To Reduce Property Taxes
L.D. 575 An Act To Provide Property Tax Relief to Maine's Working Families
- L.D. 648 An Act To Increase the Earned Income Tax Credit for Maine Residents
- L.D. 718 An Act To Avoid Loss of Revenue to the State (EMERGENCY)
- L.D. 835 An Act To Amend the Individual Income Tax Laws
- L.D. 899 An Act To Ensure a Stable Percentage of Revenue Sharing for Municipalities
- L.D. 910 An Act To Fully Fund Municipal Revenue Sharing
- L.D. 963 An Act To Strengthen the Benefits of the State Earned Income Tax Credit for Childless Workers

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 372)

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

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

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on State and Local Government on Bill "An Act To Buy American-made Products" (H.P. 273) (L.D. 407).

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Health and Human Services on Resolve, To Direct the Department of Health and Human Services To Address the Growing Deficit in Room and Board Allowances Paid to Agencies Providing Residential Services to Adults with Intellectual Disabilities or Autism (H.P. 192) (L.D. 274).

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

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Regarding Ethanol-free Motor Fuel" (H.P. 979) (L.D. 1435)

Sponsored by Representative O'CONNOR of Berwick. (GOVERNOR'S BILL)
Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

Bill "An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities"

(H.P. 978) (L.D. 1434)
Sponsored by Representative STETKIS of Canaan. (GOVERNOR'S BILL)

Committee on **HEALTH AND HUMAN SERVICES** suggested.

The Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

Bill "An Act To Better Serve the Seasonal Tourist Market during the 2015 Summer Season and Early Autumn with a Pilot Program To Extend the Authorized Hours during Which Liquor May Be Served" (EMERGENCY)

(H.P. 980) (L.D. 1436)
Sponsored by Representative KINNEY of Limington. (GOVERNOR'S BILL)

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.
REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.
Sent for concurrence.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Remove from the Maine Medical Use of Marijuana Act the Requirement That a Patient's Medical Condition Be Debilitating"
(H.P. 22) (L.D. 23)

Signed:
Senators:
BRAKEY of Androscoggin
HASKELL of Cumberland

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

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.
Signed:
Senator:
McCORMICK of Kennebec

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.
More than one-fifth of the members present expressed a desire for a roll call which was ordered.

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

ROLL CALL NO. 109

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy L, Dunphy M, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Harlow, Hawke, Head, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan,

Moonen, Morrison, Noon, O'Connor, Parry, Peterson, Picchiotti, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Vachon, Verow, Wadsworth, Warren, Welsh, Wood, Mr. Speaker.
NAY - Black, Crafts, Dillingham, Edgecomb, Foley, Fredette, Gerrish, Guerin, Hanington, Hanley, Herrick, Higgins, Hilliard, Lockman, Long, Lyford, Maker, Marean, McClellan, Nadeau, Nutting, Pickett, Reed, Skolfield, Theriault, Timberlake, Timmons, Tuell, Turner, Wallace, White, Winsor.

ABSENT - Bickford, Buckland, Campbell J, Dion, Kinney M, Ward.
Yes, 113; No, 32; Absent, 6; Excused, 0.

113 having voted in the affirmative and 32 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-199)** on Resolve, Directing the Department of Health and Human Services To Hire Health Inspectors

(H.P. 491) (L.D. 715)

Signed:
Senator:
HASKELL of Cumberland

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

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

Signed:
Senators:
BRAKEY of Androscoggin
McCORMICK of Kennebec

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

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

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

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

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill is about protecting Maine's most important industry. People flock to Maine for two unique reasons, I'd say unique to Maine—the scenery and the food. Maine is now recognized, I think it's fair to say, as a "foodie" state. But, that reputation is precarious.

If an instance happens where there is an outbreak of food poisoning at any one of our establishments that serves food, that information will reverberate throughout the tourism industry. The Chief Operating Officer of the Maine Center for CDC testified in the HHS Committee hearing on this bill, and reported that the state inspectors have a backlog of over 1,400 overdue inspections. And, mind you, this is after the state, in 2011, took the action of changing the requirement of yearly inspections to one inspection every other year. Even with that additional year's grace period, it's not happening.

Many licensed facilities are going without inspections for years at a time. Two years ago, the *Portland Press Herald* did an investigatory journalism series that documented the sorry state of this inspection program. Not only were the inspections not being held, but the data was not accessible by customers or anyone else; there was no database. And the standards were all over the place. There were failures, for example, in one county at a rate of .001, whereas in other counties they were well over 10 percent. So, something clearly had to be done.

I have to give credit to the DHHS for taking aim at some of these problems. They are in the process of implementing a database, which will soon be available, if it's not already, to consumers and others interested in finding out whether the restaurant they're planning to go to, or the pool, or the nursery school, or the nursing home, whatever licensed facility is under this jurisdiction, has a history of findings of unsafe conditions. They've also standardized the way in which these establishments are inspected by running a high level training program for inspectors. All inspections of these establishments are now done at the state level, whereas in the past, they were done by local health officers. All this is good.

But, there are only 11 state inspectors for the whole of Maine, plus 5, what they call "delegated," inspectors who are paid by cities to do inspections in those cities, including Portland, but not Bangor, for example. So, a total of 16 people to inspect 9,000 establishments. It's really a disgrace that we have such little oversight over such an important industry, so important to our economic security and to the health and welfare of our own citizens, as well as to the health and welfare of the visitors that we welcome every year.

This trend of having not enough inspectors has actually gotten worse. In 1989 there were 19 inspectors. By 1992, there were 10. Last year there were 11, plus, as I said, the five that are paid for by cities. So, clearly, we need more inspectors. And the CDC testified to this when he appeared before the HHS Committee. The Maine CDC has decided that it will prioritize which establishments need annual inspections, and which can get by with less frequent inspections. The situation's more risky for health problems will get annual inspections, and I think this is an appropriate way of dealing with limited resources. But even with that prioritizing, they recommend that 20 new inspectors be hired.

Well, this bill requires the hiring of five additional inspectors. It's not great, but it's certainly an improvement over what we have. And, to turn down this modest proposal, I think, is only asking for trouble. The restaurants, the cost of adding these inspectors will be born through fees to the inspected facilities. As

I said, there were 9,000 of them, so spread out over such a large quantity of establishments, the burden will certainly not be significant. Moreover, restaurant owners have told inspectors and told the committee that they welcome these inspections, both because they're a learning experience for their staff and themselves as to what are safe practices. These inspectors work with the staff and owners to fix the problems; they're not out to flunk people, they just want to make sure it's a safe environment for all. So, there's really no fiscal impact on the state, and the restaurants will get the benefit of stamp of approval by inspectors and the certainty of tourists that they're going to a place where they're not going to get sick.

It's been suggested by some who oppose this measure that the market should decide whether or not a restaurant suffers because it has unsafe health practices. Well, an answer to that I say, first of all, we shouldn't play Russian roulette with anybody going to a restaurant. And, secondly, it's not just that particular restaurant whose reputation will suffer, but the entire Maine tourism industry. If there's an outbreak, for example, of E. coli that is traced to a restaurant, you can be sure it will affect the willingness of people to come to our state. So, I ask you to support this bill. It's a modest, modest proposal—five additional employees to be paid for through the licensing of restaurants and other facilities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, in the interest of full disclosure, I am one of those licensees. I do, however, have some concerns about LD 715. First of all, it's posture. It's a Resolve and it's asking us to hire, at this point, the amended five new public health inspectors at a cost of \$325,000 for FY '16, and some \$440,000 for FY '17. I'm not sure that's the best application of funds. I do support, you know, it was not mentioned here, but it had been previously in committee, that the licensees voluntarily increased their license a few years ago so the department could make some investments in technology, and thereby become more efficient.

I do know that the bill would hopefully enable inspectors to inspect every food service establishment annually. I think that's somewhat of an aspirational goal, but nonetheless a positive goal. This is also, I wanted to mention, that the fiscal note associated with this is actually what one would call "other special revenue," which is to say it would be the licensees who would come up with the additional money to fund it. Most of the 9,000 licensees were visited last year by state inspectors. And, indeed, it is correct there are some 1,400 who did not make it and they're on the list.

But I should also note that the department gets annually about 400 to 500 requests for investigations; call them complaints if you will. In 2013 they conducted 103 alleged food illness complaint investigations. Excuse me, in 2013, that was the correct number. In 2014 they conducted 108 of those alleged food illness complaint inspections. In neither case was there any positive findings. So, while we could spend \$325,000 dollars, we are, I think, running a fairly healthy industry and I'd ask you to follow my light and I thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I don't think this bill is asking too much of us for the people of the State of Maine. So, in my committee I see there's looking for \$50 million for this and \$50 million for that. The least we can do is think of the

people that we come up here to represent in this great State of Maine, and follow my light. It's going to be green.

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

Representative **ESPLING**: I'm just inquiring if there is a roll call in order.

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. 110

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

NAY - Austin, Black, Buckland, Campbell R, Chace, Chapman, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Kinney J, 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, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Bickford, Dion, Kinney M, Ward.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-199) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-199)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-195)** on Bill "An Act To Improve the Health of Maine Residents through Education and Health Care"

(H.P. 880) (L.D. 1294)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

PETERSON of Rumford

STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin

McCORMICK of Kennebec

Representatives:

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

VACHON of Scarborough

READ.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 67) (L.D. 192) Bill "An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)**

(S.P. 450) (L.D. 1245) Bill "An Act To Preserve the Efficiency of Transportation Maintenance and Construction Activities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-122)**

(H.P. 957) (L.D. 1408) Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 194) (L.D. 276) Bill "An Act Regarding Maine's Power of Sale Foreclosure Law" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-201)**

(H.P. 198) (L.D. 280) Bill "An Act To Exempt Military Pensions and Survivor Benefits from Maine Income Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-211)**

(H.P. 222) (L.D. 328) Bill "An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)**

(H.P. 411) (L.D. 598) Bill "An Act To Strengthen the Maine Agriculture Protection Act" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-200)**

(H.P. 563) (L.D. 829) Bill "An Act To Amend the Trespass Laws Pertaining to Railroad Property" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)**

(H.P. 572) (L.D. 838) Bill "An Act To Enhance Equity and Efficiency for Off-track Betting Facilities" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-206)**

(H.P. 624) (L.D. 905) Bill "An Act To Study Allocations of the Fund for a Healthy Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

(H.P. 666) (L.D. 967) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2015-16" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-210)**

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

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

ENACTORS
Emergency Measure

An Act To Allow a Sales Representative To Serve Alcoholic Beverages at a Tasting Event

(H.P. 251) (L.D. 364)
(H. "A" H-185 to C. "A" H-175)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education

(H.P. 144) (L.D. 201)
(C. "A" H-180)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Establish the Maine Length of Service Award Program

(H.P. 122) (L.D. 164)
(H. "A" H-177 to C. "A" H-151)

An Act Regarding the Confidentiality of Railroad Carrier Cargo

(H.P. 323) (L.D. 484)
(C. "A" H-181)

An Act To Amend the Laws Governing the Number of Agency Liquor Stores Allowed in a Municipality

(H.P. 347) (L.D. 508)

An Act Regarding Write-in Candidates in Municipal and City Elections

(S.P. 219) (L.D. 626)
(C. "A" S-107)

An Act To Fund HIV, Sexually Transmitted Diseases and Viral Hepatitis Screening, Prevention, Diagnostic and Treatment Services

(H.P. 442) (L.D. 661)
(C. "A" H-174)

An Act To Expand Turkey Hunting Opportunities

(S.P. 279) (L.D. 781)
(C. "A" S-103)

An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code

(H.P. 815) (L.D. 1182)

An Act To Fully Fund the Family Caregiver Respite Program

(H.P. 909) (L.D. 1337)
(C. "A" H-173)

An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses

(H.P. 975) (L.D. 1429)

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

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

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

UNFINISHED BUSINESS

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

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

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

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

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

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

PENDING - **FURTHER CONSIDERATION**.

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

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)

TABLED - May 27, 2015 (Till Later Today) by Representative KORNFIELD of Bangor.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the Chief Executive vetoed this bill, and if you read the communication from the Chief Executive, I want to briefly read part of it because I think it's instructive. Chief Executive indicates, "While I support the desire to ensure that Maine students are well equipped with the best science and engineering education to prepare them for their 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."

Bottom line, Ladies and Gentlemen is, is that our schools and our teachers are overburdened with paperwork. We continue to pile upon them mandate after mandate, requirement after requirement, and we expect teachers to fulfill all of these roles within, essentially, an eight hour work day. Now, I spoke to a Representative from the Maine Education Association and my understanding is the Maine Education Association is not crazy about this bill, while I understand they testified neither for nor against. But I think if you were to have that conversation with someone from the MEA, they would tell you that these standards are part of the National Common Core, and the MEA doesn't support the National Common Core.

So, the question is, "Where are we to go from here?" You know, I think that we need to allow teachers to teach, and not to have them continue to fill our paper, and not to continue to require mandates, more or less, on our local school systems that are unfunded by this state. I believe in local control. And if you believe in the Common Core, you should vote for this bill because you want to vote in support for a national system of standards. But I think Republicans, and I think many people in this state, believe in, and I think our history and our tradition shows the importance of recognizing local control. And if you want to protect local control, then you should vote to sustain the Governor's veto. Thank you.

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

Representative **POULIOT**: Thank you, Mr. Speaker, technology is fundamental to the success of most every Maine business. It's critical for the survival of traditional ones like forest products or the fishing industry. It's imperative to retain and attract newer industries that will be the foundation of Maine's economic future. But Maine has a serious shortage in the required of STEM capable staff, making it difficult for employers to justify starting or keeping these businesses here in Maine. We need a highly skilled workforce if we're going to compete.

LD 464 addresses this shortage. It will give Maine citizens the opportunity to participate in the high percentage of businesses that require STEM capable staff. It will grow the opportunities for Maine citizens to have a job—and a good one, too. It will enable our children to find good paying jobs instead of leaving for greener pastures. I most strongly urge your support for LD 464. And I will add that this is not part of the Common Core standards; that couldn't be any further from the truth. Thank you very much Ladies and Gentlemen.

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

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the Maine STEM Council, a board of 16 members from K-12 education, business, industry, and higher education, was created by the

Chief Executive and Legislature in 2011. I appreciate and thank our Chief Executive and the 125th for having the foresight to establish the Maine STEM Council.

STEM refers to Science, Technology, Engineering and Mathematics—the four key fields of endeavors that have supported comfortable and productive lifestyle that we enjoy today. The STEM Council has made adoption of the Next Generation Science Standards as one of its top recommendations. Over the next decade, projected growth in STEM occupations in Maine is expected to be 8.8 percent, while only 1.8 percent in non-STEM occupations. To get kids into STEM majors and jobs, we must have 21st century science and engineering standards. Texas Instruments, the Maine Space Grant Consortium, the Maine State Chamber of Commerce all testified in support of the bill at public hearing.

The Next Gen Science Standards were based on a framework developed by the National Academy of Sciences, which is a non-governmental organization composed of the nation's leading scientists. This is the premier scientific organization in the US and the world. You don't get any better science, technology, engineering and mathematics than the National Academy of Science. And I want to stress that the Next Gen Science Standards were not developed in conjunction with anything to do with the common core.

Many Maine educators were involved in the writing and revising of these, together with educators from 20 other states. In Maine, this was led by our Department of Education. Nationally, the process was coordinated by Achieve, a nonprofit that is chaired by a business CEO and a state governor. No federal dollars were used in writing these standards. Period. Nor were any federal dollars used to implement them. Fourteen states have already adopted the Next Generation Science Standards.

One of the primary factors identified as inhibitors to economic growth in Maine is the lack of a workforce prepared for today's technology driven industries. The Next Generation Science Standards will help close the gap and make Maine a more competitive place to draw business that depend on STEM skills and knowledge, and I hope you will follow my light and vote green. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Mr. Speaker, Women and Men of the House, I can't speak for the MEA, but I will say that at the public hearing for this bill the committee received remarkably broad and notable support from teachers from the field involved in teaching science in Maine schools asking us to support the Next Gen Science Standards. As for the timeline for implementation, at the hearing Maine School Management's only reservation was that the process not leapfrog the normal rule making process by which we typically update and revise the state's learning results standards.

So, the committee amended the bill to ensure generous time for that normal process to occur. And last, regarding the funding, because the other body further amended the timeline by adding an additional year, these provisional rules won't be developed until the 128th Legislature. So, any financial impact to local school districts will be part of discussions only in the next biennial budget, and the accompanying fiscal note states that the costs to the department can be covered within current resources as part of the ordinary review process for the Maine Learning Results. I urge your support. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker, I have a wide range of thoughts here today, and before I really get into it I want to say that I have a lot of good friends on both sides of this issue, and this is one where I feel we're going to have to agree to disagree. I will say that the Representative from Newport hit the nail on the head with regard to local control.

A good friend of mine, before I came up here, and since I've been here, has often said, "Don't drink the water. Don't drink the water." He says that every time I talk to him, two or three or four times a week, maybe. Well, I'm not going to drink the water and I'm going to vote to sustain this veto. I realize there are some good folks that have made some good points about STEM education. And people in this body that I respect tremendously, like the Representative from Newcastle, and I respect why he has to do what he has to do. And I'm not even going to disagree to that extent, but I will say this is about local schools and letting local schools chart their course.

Whether this is Common Core or not Common Core, I'm not going to get in the middle of that; everybody has their own opinion. But what this is is an attack on local control, and I will sustain this veto and members of this body ought to know that I'm not afraid to override a veto when I feel it's the right thing to do. So, this is what it is. I'm doing this because this is the right thing to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Speaker, certainly the curriculum and the standards that we're using in our schools is a hot topic, and has been for some time. When this bill first came to light, when I first got wind of it, I thought, "Well, gee, that's a no brainer. These Next Gen Standards are really strong in mathematics; they're really strong in hands-on learning." And, we know from the data that we have that we have jobs to fill—jobs that are unfilled now in Maine, high-paying good jobs that require those type of skill set. Then, the next week, as I sat in the Ed. Committee and watched some of the bills around Common Core, as I heard about the Common Core and the reluctance and the heartburn that so many people have with that, a lightbulb went on, and I said, "I have a much better understanding of why some folks that I know and trust well have such a reticence to move toward the Next Gen Science Standards." So, I would encourage us to look at these, not as one big chunk, and to be able to break out a little bit what's happening.

The good Representative from Newport has, I also have a spouse that's a teacher, and as Ken does, I hear that at home as well. And I just left the field of education a couple short years ago, and one of the reasons for my change was because of so many things passed down and the way that they were passed down—Common Core, Smarter Balanced testing, the evaluation piece. Those are huge chunks that they're easily talked about in committee, or in this body, but when they get out of the field, they are literally hours and hours and millions of dollars to swing that big ship, which we call education.

However, Maine needs to increase student readiness in science, technology, engineering, and I particularly advocate for math. All of our data will show that we're weak in mathematics throughout the system. Some schools do great, some students do great, but as a general weakness, we need to bring up our mathematics. These Next Gen Standards bring math into the classroom just the way that we have good luck bringing math into the technology centers when folks are learning a trade. Mathematics means so much more to you when you see it and

when you live it, and that's what the Next Gen pieces are all about.

That's one of the reasons why we had folks from the engineering community come before the committee. We had passionate educators from high schools and middle schools with very, very strong science programs come before us, and I would say that that probably took the education advocate community a bit by surprise, that there was this groundswell of passion for higher standards and good quality standards coming from the field. And I think we should embrace where that desire is coming from.

What are standards? Standards are key learnings. It's what you need to know when you leave. That's it. We expect you're going to do this. Standards are not curriculum, they are not methodology, and they certainly are not tests. Those industries tend to follow standards, and sometimes they'll affect our curriculum, but standards are what you need to know when you leave. It's still local control for people to figure out how those youngsters are going to meet those standards.

I'm as worried as much about the capacity upon the Department of Education. They do incredible work, but they're short staffed, and I can understand, certainly their reluctance to have one more thing on their plate. The other body, following the wisdom of our committee chair, the other body chose to amend this bill and extend the date by which the department of education has to report out, or has to prepare, for the implementation of the standards.

In your local schools, there will be a cost; there always is a cost to teaching science. But, the most expensive thing that we have in education in this state right now is constant change. In the last decade, we have a 51 percent increase in the area of testing, accountability, curriculum, those areas and technology. This would send a clear message for those schools that are ready that this is the direction the state sees us going. These are good standards. We're going to be getting there. It will be a while before each school unit goes, but some people in the next two or three years are going to be doing science budgets. And if they're doing that and they know what standards are out ahead, they can be able to slowly implement the equipment and supplies that they need to get in the direction that they want to go with their students.

If the override on this item doesn't happen, I think that you'll see the groundswell from the education community continue, and the science leaders in the state and in our University and in Maine Maritime Systems continue to promote STEM activities. However, I would urge you to override it. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise to echo many of the remarks made by my fellow members of the Education and Cultural Affairs Committee. I did just want to really quickly read one statement that was made during the testimony on this bill that I think really gets at the heart why it's so important to override this veto.

This testimony came from Elizabeth Fisher. She's the Director of one of Maine's 27 career and technical education high schools, and she's been on the teaching administrative side of the table for 16 years, and before that she was a marine engineer. And here's what she said: "I am passionate about the importance of high quality STEM education opportunities for all Maine students. A clear set of science standards is essential for our students and our future economic prosperity. I support Maine's immediate adoption of the Next Gen Science Standards. To wait another year is a disservice to Maine's students, and puts

us behind in ensuring that our students have the skills necessary to succeed in the 21st Century's technological world."

This is not the Common Core. This is an incredible group of standards that were developed by people who work in this industry every day. In fact, we heard from a representative from Texas Instruments, which is in South Portland, with them testifying that this bill would help ensure that Maine's students are ready to work in the field right there in South Portland.

Once again, I just want to emphasize that this is not Common Core. This is not an opinion. It's just a simple fact that this is not Common Core. All of us campaigned around the need for Maine to have more jobs, and the best way for us to get more well-paying jobs here in Maine is by ensuring that our high school students graduate with the skills needed, and that this group of standards would be the first step to put us there. I also request that the Clerk read the Committee Report.

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

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

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

Representative **TUELL**: Thank you, Mr. Speaker, I apologize for speaking again. All I would add, and briefly add, is that I just think we need to hit the pause button, just hit the pause button here, and make sure this is really what we want to do. And this is, I know I will tell you that I campaigned on local control. And I'm sure most members of this body, on both sides, did as well. So, that is another dynamic that is at play here. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'll be very brief. I, too, am a former educator and I just want to second what Representative Stearns laid out in his, as he presented his case this morning. But, I'd like to shift it just slightly.

The *Portland Press Herald*, on Friday or Saturday, released the report of a survey. And they surveyed, eventually, 21 businesses who had created jobs here in Maine in the past year. And they asked them, "What were the most important things for us to consider?" Number one: Workforce development; the quality of the workforce. This legislation, this proposal about increasing our standards and our opportunity for our students in math and science is exactly what our employers are saying. If you visit local industry, when you ask them what do they need, despite the fact we might like them to say tax breaks and energy, etc. That's not the first thing they tell us; the first thing is a quality workforce. This is one tool for us to employ to begin to meet that expectation. Thank you, Mr. Speaker.

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

Representative **ESPLING**: I'm sorry, Mr. Speaker, I forgot to hit my button. So, I just wanted to reiterate some points that were made. I do think that it is important to have good science and math standards, and I think that most of us wholeheartedly support moving towards implementing STEM as much as we can.

I do have some concerns about, in the realm of science, and the importance of innovation when we start to move towards standardizing some of these things. I think that schools can do this, and if these are that good, schools will be striving to do these things. I think that even if the implementation is delayed, we still have to consider how much this will cost our schools down the road. I hear a lot in this room about how we're not funding education appropriately now, and then we want to add on another burden. Even though it's a burden into the future, and

they have time to work on it, it's still going to be a cost to them. And I think that if we're going to be concerned about education costs, we should be concerned about funding what we're currently doing, instead of adding on more for the future.

Standards are a hot topic right now. I think that we have to have a lot of questions about what are in our standards now currently, and if we're going to keep adding into those standards into the Maine Learning Results. When we have so many questions about what has been done so far, we should take a step back and look at we have assessed what we have, before we're implementing even more.

You know, nothing works better than an organic, on the ground movement. I think it's fantastic that schools are trying to do better and working towards excellence on their own, without the state coming down on them and mandating things. Let's encourage that, and if it means postponing this for now, and waiting for more of them to rise up and to have that groundswell, what's so wrong with that? I think that's the best way to have these things happen. Thank you.

Subsequently, 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. 111V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanington, Harlow, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timmons, Tipping-Spitz, Tucker, Verow, Warren, Welsh, White, Winsor, Mr. Speaker.

NAY - Austin, Battle, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Greenwood, Guerin, Hanley, Hawke, Head, Hilliard, Hobart, Kinney J, Lockman, Long, Lyford, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Reed, Sanderson, Sawicki, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Wood.

ABSENT - Bickford, Kinney M, Ward.

Yes, 106; No, 42; Absent, 3; Excused, 0.

106 having voted in the affirmative and 42 voted in the negative, with 3 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 845) (L.D. 1227) Bill "An Act To Provide for Improved Reporting of Marine Resources Landings" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 450) (L.D. 669) Bill "An Act To Create a Spat Collection License" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)**

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

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

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Concerning the Ability of On-premises Liquor Licensees To Dispense Liquor in Sealed Refillable Containers"

(H.P. 459) (L.D. 678)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-205)** on same Bill.

Signed:

Representative:

DILLINGHAM of Oxford

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought Not to Pass** Report.

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-207)** on Bill "An Act To Provide Reasonable Accommodations for School Attendance for Children with Disabilities for Whom Medical Marijuana Has Been Recommended"

(H.P. 381) (L.D. 557)

Signed:

Senators:

LANGLEY of Hancock
EDGEComb of Aroostook

MILLETT of Cumberland

Representatives:

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

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

Signed:

Representatives:

POULIOT of Augusta
STEARNS of Guilford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-207)** 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-207)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Allow for Collaboration in Public Charter Schools"

(H.P. 716) (L.D. 1047)

Signed:

Senators:

LANGLEY of Hancock
EDGEComb of Aroostook
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
FARNSWORTH of Portland
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
STEARNS of Guilford
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-208)** on same Bill.

Signed:

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
POULIOT of Augusta

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Change the Individualized Education Program Notice Requirements"

(H.P. 742) (L.D. 1081)

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-209)** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

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

READ.

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

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

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

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

Representative **MAKER**: Mr. Speaker, Ladies and Gentlemen of the House, what this bill does is gives a number of days on notification on special ed rules. I just would like to read to you Jill Adams's letter, which they've been using seven days for a long, long time, and I'm just going to read it.

"My name is Jill Adams and I am the Executive Director of Maine Administrators Service of Children with Disabilities.

"MADSEC was surprised by this bill as we had not heard that the seven day line for written notices was an issue. If this is to lengthen it to 14 days then changes to children's IEP's will not be able to be put in place for a longer length of time. We are concerned about children who may need the proposed changes in place as soon as possible. It would be great to have all parents attend IEP meetings, but this is not the reality. When parents do attend most want the changes put in place immediately and we do this by notating this in the written notice.

"More importantly, we are concerned that this bill will increase special education litigation. This bill would require SAU's to file for a due process hearing if the parent does not agree with the changes being proposed in the written notice. Anytime a parent says no, schools will have to take the family to a hearing if the

school believes its own proposal is necessary for the children to receive FAPE. Due process hearings can be hugely expensive. Currently, if parents disagree with the proposed changes they can file for a dispute resolution which can include a complaint investigation or a due process hearing. SAU's cannot file for a complaint investigations. Parents may say no to programming decision, but don't necessarily want to go to a hearing over it. This would also cause a huge burden to families, missing work, and if they're able, spending money on legal fees. Currently, when parents are in disagreement with the proposed changes which really is not often if the IEP team works together, the SAU and parent would probably meet again to try to iron out those differences. If they would not, they may ask for a stand-alone mediation before going forward to a more costly litigation. This bill would not allow this to occur, the school would only have one recourse to ask for a due process hearing.

"The end result of this proposal would be to increase special education litigation, and the money made by attorneys representing parents and attorneys representing schools—with schools forced to pull parents into hearings, even when parents don't want a hearing. This is not where MADSEC believes our limited fiscal resources should be spent. Our fiscal resources need to be spent on meeting our children's needs." Thank you, Mr. Speaker.

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

ROLL CALL NO. 112

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

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

ABSENT - Bickford, Fredette, Kinney M, Ward.

Yes, 75; No, 72; Absent, 4; Excused, 0.

75 having voted in the affirmative and 72 voted in the negative, with 4 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-209)** 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-209)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Lower the Individual Income Tax Incrementally to Zero"

(H.P. 275) (L.D. 409)

Signed:

Senators:

McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:

GOODE of Bangor
BICKFORD of Auburn
CHACE of Durham
MOONEN of Portland
RUSSELL of Portland
SEAVEY of Kennebunkport
STANLEY of Medway
SUKEFORTH of Appleton
TEPLER of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-212)** on same Bill.

Signed:

Representative:

SKOLFIELD of Weld

READ.

Representative GOODE of Bangor 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 Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, a cone was excavated by the French at the site of ancient site of Lagash, a prehistoric city located in Mesopotamia. The message on the cone were etched with a reed stylus on soft clay during the third millennium B.C. by Sumerians. The cone is displayed at The Louvre Museum in France. The words inscribed on that cone are "freedom from taxes." The nature of taxation thus revealed itself at the very dawn of history. The early disclosure on the cone also confirms, "Taxes are easy to increase but almost impossible to decrease".

I stand here before this body today in hopes of accomplishing the near impossible, reducing our Maine State income tax. I believe if tax rates are reduced, Maine workers will have greater incentives to produce goods and services for all consumers. I also believe that people will work harder and make more investments for more efficient open economy. Thus, income subject to taxation will grow.

I also believe it's even possible that, though income tax rates fall, the increase in taxable economic activity will be so great that tax revenues will rise. That is the thesis underlying the now-famous Laffer curve, originated by economist Art Laffer. The implication is that, while tax rate cuts will directly benefit individuals, in the end our society as a whole in Maine will prosper.

The income tax as a means to finance government programs is a direct assault on an individual's means to provide for themselves and their loved ones. I am a firm believer that the individual who earns the money knows better what to do with that money than an ever growing and omnipotent government ever will. Pro-growth tax reform that reduces the burden of personal income taxes would generate a more robust economic climate and put Maine on a higher growth trajectory with more investment, more employment, higher wages, and a higher standard of living.

Empirical studies of taxes and economic growth indicate that there are not a lot of dissenting opinions coming from peer-reviewed academic journals. More and more, the consensus among experts is that taxes on corporate and personal incomes are particularly harmful to economic growth, with consumption and property taxes less so. Economic growth ultimately comes from production, innovation, and risk-taking.

I urge you to take a leap of faith and pass this legislation. I understand the fiscal note on this is frightening, but it only measures what is not being taken from the taxpayers' pockets and applied to government coffers. A dynamic fiscal note would likely show what I have stated previously: positive growth in our economic sector, thus generating more revenue as did the small decrease from 8.5 to 7.95 in our recent past. Thank you all for your service.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I just wanted to rise briefly and make a few comments on the bill. Our committee has another piece of legislation sponsored by the Minority Leader, Representative Fredette, that deals with this same policy area. That vote was a closely divided vote, and I expect that we will have a lengthy debate on that bill that deals with a similar policy area. I wasn't expecting that there would be debate on this bill today, so for that reason, I would move that we Table this item until later in today's session.

On motion of Representative GOODE of Bangor, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

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

On motion of Representative HUBBELL of Bar Harbor, the House adjourned at 12:08 p.m., until 10:00 a.m., Friday, May 29, 2015.