

MAINE STATE LEGISLATURE

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



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

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

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH MAINE
LEGISLATURE
FIRST REGULAR SESSION
51st Legislative Day
Monday, June 1, 2015

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Pastor Neil Gastonguay, Bath United Methodist Church.
National Anthem by Jocelyn Begin, Augusta.
Pledge of Allegiance.
Doctor of the day, Honorable Geoffrey M. Gratwick, M.D., Bangor.
The Journal of May 29, 2015 was read and approved.

- Health and Human Services
 - L.D. 798 An Act To Strengthen Maine's Hospitals and Increase Access to Health Care
 - L.D. 808 An Act To Decrease Uncompensated Care, Reduce Medical Debt and Improve Health Outcomes
- Labor, Commerce, Research and Economic Development
 - L.D. 209 An Act To Support Research and Development at a Marine Field Station at the University of Maine at Machias (EMERGENCY)
- Taxation
 - L.D. 282 An Act To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company, To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company and To Amend the Law Governing School Subsidy Distribution in the Circumstance of Sudden Loss in Municipal Valuation (EMERGENCY)
 - L.D. 1299 An Act To Allow Educational Access for Families
- Veterans and Legal Affairs
 - L.D. 145 An Act To Amend the Verification and Certification Process for Direct Initiatives and People's Veto Referenda

Sincerely,
S/Robert B. Hunt
Clerk of House

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Change the Individualized Education Program Notice Requirements" (H.P. 742) (L.D. 1081)

Minority (6) **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-209)** in the House on May 28, 2015.

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

The House voted to **INSIST.**

Non-Concurrent Matter

Resolve, Directing the Department of Health and Human Services To Hire Health Inspectors (H.P. 491) (L.D. 715)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199)** in the House on May 28, 2015.

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

The House voted to **INSIST.**

COMMUNICATIONS

The Following Communication: (H.C. 177)

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

June 1, 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:"

The Following Communication: (S.C. 386)

MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

May 29, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Senate Paper 303, Legislative Document 464, "An Act To Improve Science and Engineering Education for Maine's Students," 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?" 19 voted in favor and 15 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.**

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Maine Center for Disease Control and Prevention's Newborn Screening Program, which was begun 50 years ago with the purpose of identifying asymptomatic infants born with serious genetic disorders, allowing for early diagnosis and treatment. The Newborn Screening Program Joint Advisory Committee is now looking to include additional screening tests that identify infants at risk for other serious developmental, genetic and metabolic disorders that would not otherwise be detected, including Lysosomal Storage Disorders and Krabbe disease. Jamie and Kyle Davis are the parents of one child with Krabbe disease, Addilyn, of New Sharon, and have been fierce advocates in their efforts to expand the screening program to include Krabbe disease so that future parents can be spared what their family has endured. With Addilyn's Journey of Hope, a Facebook page with over 100,000 likes, and Team Addilyn, a local advocacy support group, combined with tireless and sustained effort, Jamie Davis and her family have given and continue to give a great gift to others: the gift of increased awareness of these disorders, a gift not only for the Joint Advisory Committee, but also for medical professionals and the public at large throughout Maine, the Nation and the world. We encourage the Joint Advisory Committee to develop educational programs for health care professionals and the public on the expanding role of newborn screening for the early diagnosis and treatment of these diseases and disorders and we send our best wishes to Jamie, Kyle, Rilyn and Addilyn Davis on their journey;

(HLS 534)

Presented by Representative BUCKLAND of Farmington. Cosponsored by Senator HASKELL of Cumberland, Representative WARD of Dedham, Senator SAVIELLO of Franklin, Senator BRAKEY of Androscoggin, Senator McCORMICK of Kennebec, Representative GATTINE of Westbrook, Representative STUCKEY of Portland, Representative PETERSON of Rumford, Representative HAMANN of South Portland, Representative BURSTEIN of Lincolnville, Representative HYMANSON of York, Representative SANDERSON of Chelsea, Representative MALABY of Hancock, Representative HEAD of Bethel, Representative VACHON of Scarborough.

On **OBJECTION** of Representative BUCKLAND of Farmington, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

(S.P. 245) (L.D. 652)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro

CHENETTE of Saco

DAVITT of Hampden
LAJOIE of Lewiston
NADEAU of Winslow
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)** on same Bill.

Signed:

Senators:

ROSEN of Hancock

BURNS of Washington

Representatives:

GERRISH of Lebanon

LONG of Sherman

THERIAULT of China

TIMMONS of Cumberland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)** thereto.

READ.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-140)** on Bill "An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used"

(S.P. 50) (L.D. 117)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast

BATES of Westbrook

CAMPBELL of Newfield

PECTEAU of Biddeford

GILBERT of Jay

MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland

CUSHING of Penobscot

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

WARD of Dedham

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

Representative HERBIG of Belfast 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**: 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. 119

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

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

ABSENT - Chapman, DeChant, Gilbert, Guerin, Timmons.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-140)** 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-140)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide a Tax Credit to Maine Residents for Turnpike Tolls"

(S.P. 53) (L.D. 120)

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

Representatives:

GOODE of Bangor

CHACE of Durham

MOONEN of Portland

SEAVEY of Kennebunkport

SKOLFIELD of Weld

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" (S-137)** on same Bill.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

BICKFORD of Auburn

RUSSELL of Portland

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

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-138)** on Bill "An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Agricultural Production and Commercial Wood Harvesting"

(S.P. 104) (L.D. 290)

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn

CHACE of Durham

SEAVEY of Kennebunkport

SKOLFIELD of Weld

STANLEY of Medway

SUKEFORTH of Appleton

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

MOONEN of Portland

RUSSELL of Portland

TEPLER of Topsham

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-138)**.

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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: 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. 120

YEA - Babbidge, Bates, Beebe-Center, Blume, Brooks, Bryant, Campbell J, Chipman, Cooper, Davitt, Devin, Dion, Farnsworth, Fecteau, Frey, Gattine, Gideon, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

NAY - Alley, Austin, Battle, Beavers, Beck, Bickford, Black, Buckland, Burstein, Campbell R, Chace, Chenette, Corey, Crafts, Daughtry, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Hanington, Hanley, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Kinney J, Kinney M, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McElwee, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

ABSENT - Chapman, DeChant, Gilbert, Guerin, Timmons.

Yes, 50; No, 96; Absent, 5; Excused, 0.

50 having voted in the affirmative and 96 voted in the negative, with 5 being absent, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-138)** 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-138)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-136)** on Bill "An Act To Extend to Certain Fruit and Vegetable Growers the Manufacturing Facility Fuel and Electricity Sales Tax Exemptions"

(S.P. 208) (L.D. 592)

Signed:

Senators:

McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:

BICKFORD of Auburn
CHACE of Durham
RUSSELL of Portland
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway

TEPLER of Topsham

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

Signed:

Representatives:

GOODE of Bangor
MOONEN of Portland
SUKEFORTH of Appleton

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-136)**.

READ.

Representative GOODE of Bangor 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 Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise today in support of the pending motion and draw folks' attention to a very important business in Somerset County. Many of you have eaten Backyard Farms tomatoes. Many of you have been to Backyard Farms on a tour.

This is a bill that will move forward an exemption for a facility that is both agricultural and manufacturing. This exemption today brings in line Backyard Farms with many of the manufacturing locations in the Kennebec Valley. Kennebec Valley has a proud history of manufacturing, as well as agriculture. I think back to a few months ago when we had the opportunity to tour Backyard Farms with the good Representative from Embden, the good Representative from Norridgewock, Representative Farrin, the good Representative from Pittsfield, Representative Short, who also brought along his lovely wife for the day, and also you, Mr. Speaker, who made the trip up the Kennebec Valley to tour Backyard Farms and see firsthand how Backyard Farms is changing our region as one of the number one employers.

They provide competitive wages, opportunities for growth, and I think most importantly, when Backyard Farms had a devastating outbreak of whitefly infestation, they did what many companies wouldn't have done. They kept their employees on for as long as possible. When there wasn't work for them at the greenhouse, they sent them out into the community. They came out to the park I run; they painted buildings, and they were paid for an additional three weeks. Then they were furloughed, at which time everyone that was furloughed, at the end was invited back.

And to tour that facility today, you can really see what a difference they're making. I still remember the first time that I went to Backyard Farms, and walking through the parking lot and just seeing all the cars and wondering how some of them had made it to Backyard Farms, knowing that folks travelled from rural locations around Somerset County. And now, walking through Backyard Farms, you can see that it's really changed a lot for the folks that work there. The cars in the parking lot have improved. People really excited to be employed there. And they're continuing to try to find more people, and I believe that they raised that concern and that question to you, Mr. Speaker, when they talked about some jobs initiatives and some training.

They've also expanded job training into the high school. They provide busing on Saturdays to bring high school students in to help pick the crop and to train students and train workers for the future. So I hope that folks will vote for this today; that they'll show rural Maine that we care about jobs and that we want to keep people working. Thank you, Mr. Speaker.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'm challenged by this bill because it would add a page to the famous red book of state tax expenditures—the listing of credits and exemptions to the income, sales, and excise taxes. These foregone revenues total well over \$6 billion over the biennium; larger than the entire general fund budget that we're about to vote on. And I just lost my, sorry, I'm challenged. There it is.

The red book gets no regular review or evaluation. We spend money without any formal mechanism of accountability. This bill has no sunset or accountability measures. So, I rise today in opposition, not because I'm opposed to helping Backyard Farms. Nor do I want to challenge their credibility and reputation as a good employer. I rise today because it adds another page to that red book. That red book totals over \$6 billion. We spend in this chamber, and throughout this building, hours and hours poring over the General Fund budget—what we spend money on, how we raise that money. People were in this building all weekend looking over that.

There's another book, there's another part of the state budget—the tax expenditures—and make no mistake, that's foregone revenue. Those are expenses that are in statute. And that book gets very, very, very little, if any, regular review. I think that this bill would be a far better bill if it had an accountability measure in it, so that we could have a sense of evaluating whether or not it does what it says it does. And I think it also, as would any other bill that requires this kind of addition to the tax expenditures, it should have a sunset clause that would require us to review it on a periodic basis. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **DEVIN**: Thank you. I'd like to know how many businesses will benefit from this bill. Thank you.

The SPEAKER: The Representative from Newcastle, Representative Devin, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker, in reference to the Representative's request, one business in the State of Maine will benefit from this bill.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I am rising to concur with Representative McCabe on the bill. They are tremendous asset to the area of central Maine. They are a greenhouse under 40 acres, and they are looking to expand. And they employ a lot of people, and they will continue to grow, etc. We have got to be aware of the fact and move it along so we can bring and keep our "Open to Business" sign out.

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

Representative **GOODE**: Thank you, Mr. Speaker, Men and Women of the House, I just wanted to rise and explain a few of

the reasons why I voted against the bill. This was a divided report in our committee. We certainly learned a lot about Backyard Farms and the farming industry in the state. I just wanted to let folks know about a few issues before you vote on the bill.

Currently, Backyard Farms is enrolled in the Pinetree Development Zone program; they're a business that benefits from that Economic Development Incentive program. You can be in that program for 10 years, and their 10 years is up. There's certainly a lot of businesses that get Pinetree Development Zone funds and support. They all know that they exist for 10 years and when the 10 years is up, they have to figure out kind of what else they're doing. Backyard Farms brought this bill to us that created a new tax exemption to fit their industry.

The Maine Farm Bureau did not testify in favor of this bill, and in their testimony they were very clear that it was carving out just one farm. I feel like there's probably other ways to support the agricultural industry that are more fair. I feel like every business that is enrolled in the Pinetree Development Zone Program comes to an end and ends their time in that program, and that this business, like all others, knew that was going to happen. I don't doubt or debate or support the work that this business is doing, but they seem to be being very successful, managing very well without additional tax exemptions, and I really fear that we would enter a world where when somebody is enrolled in the Pinetree Development Zone program, benefitting from that program, that they could then assume that as soon as that program ends, we would create a new tax expenditure for them to help them continue.

So, I wanted to be consistent in my concern about spending through the tax code, and wanted to make sure that we weren't just carving out one credit for one institution that has been playing by the rules very well, but their time in the Pinetree Development Zone program has come to an end. So, that's why I'll be voting against the majority report today. Thank you, Mr. Speaker.

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

ROLL CALL NO. 121

YEA - Austin, Battle, Beck, Beebe-Center, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Dion, Doore, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gideon, Gillway, Ginzler, Golden, Greenwood, Hamann, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Jorgensen, Kinney J, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Russell, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Tepler, Theriault, Timberlake, Tucker, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Alley, Babbidge, Bates, Beavers, Blume, Brooks, Bryant, Burstein, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Goode, Grant, Grohman, Harlow, Herbig, Hickman, Hubbell, Hymanson, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Malaby, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Noon, Pierce T, Powers, Rotundo, Rykerson, Sanborn, Schneck, Stearns, Stuckey, Sukeforth, Tipping-Spitz, Tuell, Warren.

ABSENT - Chapman, DeChant, Gilbert, Guerin, Timmons.

Yes, 90; No, 56; Absent, 5; Excused, 0.

90 having voted in the affirmative and 56 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-136)** 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-136)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Allow the Creation of a Local Option Sales Tax by Referendum"

(S.P. 211) (L.D. 594)

Signed:

Senators:

McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:

GOODE of Bangor
BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
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" (S-135)** on same Bill.

Signed:

Representatives:

MOONEN of Portland
RUSSELL of Portland

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

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Support Maine's Tourism Marketing Promotion Program by Eliminating the Sales Tax Exemption for Casual Rentals for Fewer Than 15 Days a Year"

(S.P. 247) (L.D. 689)

Signed:

Senators:

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
SKOLFIELD of Weld
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" (S-132)** on same Bill.

Signed:

Senator:

McCORMICK of Kennebec

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

READ.

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

Six Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-141)** on Bill "An Act To Require Large Employers To Report Compensation Information"

(S.P. 355) (L.D. 1015)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

AUSTIN of Gray
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

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

READ.

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

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

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 Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise as a

cosponsor of this bill and in opposition of the pending motion. Thank you.

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

ROLL CALL NO. 122

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

NAY - Alley, Austin, Battle, Beavers, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, 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, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Chapman, DeChant, Gilbert, Guerin, Pierce J, Timmons.

Yes, 73; No, 72; Absent, 6; Excused, 0.

73 having voted in the affirmative and 72 voted in the negative, with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-141)** 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-141)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Protect Patients from Sexual Exploitation"

(H.P. 541) (L.D. 792)

Signed:

Senators:

ROSEN of Hancock
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
TIMMONS of Cumberland
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-221)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China

READ.

Representative FOWLE of Vassalboro 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 Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker. Mr. Speaker, and Ladies and Gentlemen of the House, this bill is designed to protect mainly women against predatory members of our society who happen to be in the medical profession. This body passed a law a couple years ago that made it a criminal act for a psychiatrist, psychologist, or other types of mental health professionals, when they cross a line and engage their patients in a sexual relationship.

It's an unfortunate reality in our society that we have professionals that will use their position of trust to exploit the people under their care. We see this happen in schools with teachers and students, we see it in the clergy between the clergy and minors and adults, and we see it in the mental health profession, and we also see it today in our medical profession. It's not just psychiatrists who are guilty of this offense.

Ten to 15 percent of medical professionals have admitted to having a sexual relationship with a patient. A medical professional holds a very important role, and they have a fiduciary duty to their patients. And the fiduciary duty says this: that that physician, or that professional will only do what is in the best interest of their client. Surely, women do not go to a cardiologist or a chiropractor or an osteopath to engage in a sexual relationship. But in 10 to 15 percent of the time that does happen. If you look in the Maine State Licensing Board, you'll find a steady stream of complaints accusing physicians in this state of this offense. Often times, their licenses are suspended for a short period of time, maybe they get a small fine, or maybe they move out of state and set up shop somewhere else.

Ninety-six percent of the victims of this offense are women. Sexual abuse experts recommend stronger sanctions, like those in New Hampshire where, regardless of whether you're a psychiatrist, psychologist, or a cardiologist, if you cross the line it's considered a Class C criminal offense. And that's what this bill simply wants to do, is to extend that same penalty to registered nurses, licensed physicians in this state, and to give women the same protection as they would have as if they were walking into a psychiatrist's office. Because women who do see cardiologists and osteopaths also see psychiatrists and psychologists and they have mental health issues when they walk into any other M.D.'s office.

These days, we're seeing more doc's moving towards a mind-body therapy. It's a trend in medicine. We're blurring the lines between physical and mental health, and in order to protect women from those rare predators who happen to be in our

medical profession, we need to strengthen our laws, as has New Hampshire and many other states. So, I ask that you vote against the motion of Ought Not to Pass and pass this bill and ask yourself, "Are we doing all we can to protect women in the State of Maine?" Thank you.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative FOWLE: Thank you, Mr. Speaker, I found where I am. The reason I have a motion for Ought Not to Pass—this bill would criminalize consensual sexual conduct between adults in the medical professions and their patients. This would broaden the current law against where psychologists and psychiatrists are to have physicians covered under it, osteopathic physicians, chiropractic, physical therapists, physicians assistants with license, and nursing licenses.

Now, I understand that this isn't something that we want for conduct when there's abuse going on. But, there is an avenue in law where these actions can be taken care of and these license can be removed by a board. And I think we ought to be careful about widening where we're going after consensual activity between two adults. Thank you, Mr. Speaker.

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. 123

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

NAY - Alley, Austin, Battle, Beavers, Bickford, Black, Buckland, Campbell R, Chace, Chipman, Corey, Crafts, Devin, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hogan, Kinney J, Kinney M, Lajoie, Lockman, Long, Longstaff, Lyford, Maker, Malaby, Marean, Martin J, McClellan, McElwee, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Russell, Sanderson, Sawicki, Seavey, Shaw, Short, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Chapman, DeChant, Fredette, Gilbert, Guerin, Timmons.

Yes, 67; No, 78; Absent, 6; Excused, 0.

67 having voted in the affirmative and 78 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative FOWLE of Vassalboro, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-221)** 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-221)** 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-228)** on Bill "An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan" (H.P. 533) (L.D. 784)

Signed:

Senators:

LANGLEY of Hancock
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
POULIOT of Augusta
STEARNS of Guilford
TIPPING-SPITZ of Orono

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

Signed:

Senator:

EDGECOMB of Aroostook

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-228)** 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-228)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Establish Primary Energy Goals for the State"

(H.P. 892) (L.D. 1314)

Signed:

Senator:

HILL of York

Representatives:

DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
RYKERSON of Kittery

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

Signed:

Senators:

WOODSOME of York
MASON of Androscoggin

Representatives:

DUNPHY of Embden
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
WADSWORTH of Hiram

READ.

Representative DION of Portland 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 Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, LD 1314 clarifies our energy goals for the State of Maine. It establishes that our primary energy objectives for the state's policy are to reduce electricity rates and reduce air pollution. Isn't that what we all want? Isn't that what's in the best interests of our constituents? Please follow my light and support cheap, clean energy goals for our beautiful state. Thank you.

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, our constituents don't care what technology gets us results; they simply want to lower our bills and lower pollution. I think you all want that too. We should have policies that promote any technology that can do those things.

Instead we currently have a policy promoting indigenous renewable resources. We have wind energy goals of 2000 megawatts installed capacity by January 2015. We kind of missed that boat. We have about 450 megawatts installed today. That's basically a goal that simply says: "Build more wind." We should be realistic with our goals rather than these specific goals. I urge you to follow my light and not accept this report.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, our energy goals should be inclusive of all technologies that result in progress for Maine's people. Whether it's improving the efficiencies of a natural gas power plant, installing wind, solar, biomass, or any other technology that innovators are pursuing today, we should be promoting. We should not be picking winners and losers. We should not be selecting bills, or passing bills, that increase the cost of energy to our constituents. So I would suggest that we vote against this motion as it is and pass the Minority Report. 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. 124

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

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

ABSENT - Chapman, DeChant, Gilbert, Guerin, Timmons.

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

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Local Sales Tax Increment Disbursements"

(H.P. 342) (L.D. 503)

Signed:

Senators:

McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:

BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
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-231)** on same Bill.

Signed:

Representatives:

GOODE of Bangor
MOONEN of Portland

READ.

Representative GOODE of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative RUSSELL of Portland **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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, as we have had the debate about revenue sharing on and on, there's been another debate about whether municipalities should have the right to be able to include a local option sales tax. What it allows local communities to do, particularly service centers, is to recoup some of the funds that are used to provide services to folks that don't necessarily live in that community, services that are provided without necessarily getting compensation from either the folks outside of the community, or from the state as a whole.

In regions where there are significant tourist dollars, this offers an opportunity for communities to be able to collect taxes, particularly the summertime, or if you live out in the western Maine in the wintertime when you have the ski resorts, to be able to provide services for tourists, to be able to add services to education. This is just one more way that local communities can be able to be empowered to stand on their own two feet. I know this will certainly help my community in Portland, but it's not just Portland that needs this. There are a whole host of communities throughout the state that provide services that we otherwise are not able to pay for, and this would give us that option. So, I ask you to vote in opposition to the pending motion and allow communities to be able to make decisions for themselves about how best to pay for their services. Thank you, Mr. Speaker.

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)

Seven Members of the Committee on **TAXATION** report in Report "A" **Ought Not to Pass** on Bill "An Act To Enhance the Property Tax Fairness Credit for Maine's Low-income Seniors and Other Low-income Residents"

(H.P. 756) (L.D. 1095)

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn

CHACE of Durham

SEAVEY of Kennebunkport

SKOLFIELD of Weld

SUKEFORTH of Appleton

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-232)** on same Bill.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

MOONEN of Portland

STANLEY of Medway

TEPLER of Topsham

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-233)** on same Bill.

Signed:

Representative:

RUSSELL of Portland

READ.

On motion of Representative GOODE of Bangor, **TABLED** pending **ACCEPTANCE** of any 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. 426) (L.D. 1199) Bill "An Act To Clarify the Laws Governing the Bureau of Rehabilitation Services" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(S.P. 259) (L.D. 729) Bill "An Act To Add Acetylfentanyl to the List of Schedule W Drugs" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-145)**

(S.P. 302) (L.D. 858) Bill "An Act To Better Inform the Public of Election Results" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-130)**

(S.P. 324) (L.D. 933) Bill "An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-147)**

(S.P. 336) (L.D. 956) Bill "An Act To Create Community Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-131)**

(S.P. 435) (L.D. 1230) Bill "An Act To Create a Digital Portal for Education" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-146)**

(S.P. 479) (L.D. 1327) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-133)**

(H.P. 398) (L.D. 574) Bill "An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 79) (L.D. 96) Bill "An Act To Increase the State Earned Income Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-230)**

(H.P. 406) (L.D. 582) Bill "An Act To Establish a State Educational Medicaid Officer" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-227)**

(H.P. 617) (L.D. 898) Bill "An Act To Reduce Student Loan Debt through an Expansion of the Educational Opportunity Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 726) (L.D. 1057) Bill "An Act To Increase the Safety of Amusement Rides" (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-234)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence 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 Protect Older Adults from Financial Exploitation
(H.P. 917) (L.D. 1348)
(C. "A" H-196)

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

Representative GIDEON of Freeport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 125

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbs, 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, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Chapman, DeChant, Frey, Gilbert, Guerin, Timmons.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Clarify the Law Governing the Collection of Unpaid Sanitary District Charges

(S.P. 67) (L.D. 192)
(C. "A" S-121)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 15 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Eliminate the Minimum Age Requirement for a Junior Hunting License and Increase the Number of Times a Person May Hold an Apprentice Hunter License

(H.P. 114) (L.D. 156)
(S. "B" S-123 to C. "A" H-105)

An Act Regarding the Reporting Standards for Child Abuse
(H.P. 322) (L.D. 483)
(C. "A" H-193)

An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3
(H.P. 361) (L.D. 537)
(C. "A" H-198)

An Act To Increase Access to Health Care through Telemedicine
(H.P. 443) (L.D. 662)
(C. "A" H-194)

An Act To Improve the Veterans' Services Laws
(H.P. 470) (L.D. 694)
(C. "A" H-192)

An Act To Amend Maine's Motor Vehicle Statutes
(H.P. 807) (L.D. 1175)
(C. "A" H-191)

An Act To Preserve the Efficiency of Transportation Maintenance and Construction Activities
(S.P. 450) (L.D. 1245)
(C. "A" S-122)

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.

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 Friday, May 29, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-219)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Eliminate the Broadband Sustainability Fee"
(H.P. 304) (L.D. 465)

TABLED - May 29, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-219)** 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-219)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries"

(H.P. 862) (L.D. 1262)

TABLED - May 29, 2015 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Amend the Laws Regarding the Department of Corrections"

(S.P. 542) (L.D. 1440)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Establish a Secure Internet-based Background Check Center for Providers of Long-term Care, Child Care and In-home and Community-based Services"

(S.P. 541) (L.D. 1439)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 983)

An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest

(S.P. 93) (L.D. 255)

(C. "A" S-84)

- In House, **PASSED TO BE ENACTED** on May 19, 2015.

- In Senate, **PASSED TO BE ENACTED** on May 20, 2015.

On motion of Representative PIERCE of Dresden, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the Bill and all accompanying papers were **COMMITTED** to the Committee on **MARINE RESOURCES** in **NON-CONCURRENCE** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-119)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

(S.P. 245) (L.D. 652)

Which was **TABLED** by Representative FOWLE of Vassalboro pending **ACCEPTANCE** of either Report.

Representative FOWLE of Vassalboro 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: 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. 126

YEA - Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Burstein, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Alley, Austin, Bickford, Black, Bryant, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Hanington, Hanley, Hawke, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell J, Chapman, Gilbert, Guerin, Head, Pouliot, Saucier, Stuckey, Timmons.

Yes, 63; No, 79; Absent, 9; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Mr. Speaker, Men and Women of the House, I rise today before you in support of LD 652, also known as the Constitutional Carry Bill. Being a member of the Criminal Justice and Public Safety Committee, we heard a tremendous amount of testimony on both sides of this issue. There has not been a bill before our committee this

session that has generated as many emails in my inbox as this one.

With over 1,500 emails received from Mainers, a great deal of them were opposed to this bill; yes, opposed. That said, almost every single email in opposition, with the exception of a handful, were form letters saying the exact same message over and over. The emails I received in favor of LD 652 were written with real examples and heartfelt passion and reason as to why they supported Constitutional Carry. As a legislator I certainly appreciate constituents taking the time to tell me of their own feelings on bills rather than simply sending someone else's thoughts and words.

One of the most relevant and persuasive testimonies that, quite frankly, had the most impact on me came from Maine's number one permit issuing agency, the Maine State Police, who spoke in favor of this bill. Major Chris Grotton of the Maine State Police and Department of Public Safety told us it was important for us to understand some of the realities and limitations of Maine's current concealed handgun permitting system. Major Grotton said, and I quote, "Maine currently has an antiquated, inefficient, and inconsistent system with many problems. There is no process for an agency to check for previous denials when processing an application, allowing applicants to permit shop between departments. There is no central repository for data. Law enforcement cannot verify permits 24/7. There is no consistent format of permit, making it virtually impossible to verify or validate a permit. Once issued, there is no consistent process to flag and suspend/revoke permit holders for new criminal conviction, mental health commitment, etc."

Major Grotton went on to say, and again I quote, "The current permit process regulates people who are generally doing it right. In the past four years, less than one tenth of a percent of the 36,000 applicants to the State Police are denied. Less than one tenth of a percent. Over the past 30 years, fewer than 20 people per year have been charged with carrying a concealed weapon of any type. Even when we deny their application, most of the time they were not otherwise prohibited from owning or possessing a firearm and could still lawfully carry openly in all other places except where carrying a firearm is prohibited by law."

I believe there are some serious misconceptions about this bill. I want my colleagues in the House to know that a currently prohibited person is still a prohibited person. LD 652 does not change who may legally possess a firearm. The background check at the time of the purchase of the gun, any gun, is still in place. Criminals will not be allowed to carry under this law. Mentally ill individuals will not be allowed to carry under this law. None of the federally prohibited people, from domestic violence, drugs, felons, will be able to carry under this law. This law only affects law abiding citizens. Only people who could obtain a permit, and still can, would be legally allowed to conceal a gun.

As we all know, criminals do not care about rules of law. They are not going through any background checks, taking gun safety classes or going through any permitting process. Bad people will always do bad things. The permit system does not stop criminals from carrying guns. The road rage shooting that took place in Maine recently is a perfect example of that. The man was a prohibited person and could not legally own a gun, never mind carry one. Yet he did and then used it in the road rage incident. The permit system does not keep criminals from breaking the law. By not allowing Mainers to conceal carry, we are again punishing the law abiding citizens only.

In Article I Section 16 of Maine's Constitution, it reads that every citizen has a right to keep and bear arms and this right shall never be questioned. I stood in this very chamber along with all of you and raised my right hand to swear to uphold that

Constitution. Requiring a permit with 32 questions on it for good, law-abiding citizens to exercise their Constitutional right is indeed questioning that Constitutional right. As a woman, a single mother, who supports our right to keep and bear arms, I also feel it allows for women to level the playing field against assailants who aim at harming us or our children. As much as I am a pro-gun person, I do not personally want to see open carry all over the place while I am out shopping or running errands. I think wearing the jacket would put people at ease. The idea that covering a legally owned firearm with clothing somehow makes that person a threat to everyone around us is illogical. Listen to our own Maine State Police Department of Public Safety's testimony; uphold our Constitution. The real issue at stake here is freedom. And I ask you to follow my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker. I am supporting this bill, and I just received a letter, an email message, from the sheriff of the county that I represent. And I would like to take a moment and read it to you. This is from Franklin County Sheriff Scott Nichols.

He said, "Tom, I just wanted to take a moment of your time to inform you of my opinion regarding the concealed carry bill. I have no issues with this bill and here are some of the reasons why: The Maine Constitution says this right shall not be questioned. Maine citizens currently carry handguns "open carry" right now which makes a lot of folks uncomfortable." He says, "I would prefer that they keep their weapons hidden. Only law-abiding citizens are the ones who ever applied for permits. The bad guys carry them anyway. There is an argument out there that even hunters have to go through a hunter's safety course and that all persons who want to carry concealed should go through a similar process. The problem is that there is no standard training curriculum regarding handguns. Regarding the effectiveness of hunter safety courses, you hear every fall about incidents involving hunters either shooting themselves or others by accident.

"As a Maine Criminal Justice Academy certified firearms instructor as well as a hunter, I have witnessed plenty of unsafe acts by hunters out there in spite of their training. Some people out there are going to be reckless regardless of what they are carrying for a firearm. Whether they're carrying a firearm, driving a car, a boat or any other type of activity. This is a Constitutional right that the majority of people will treat with respect.

"There are laws in the books right now prohibiting possession of firearms in certain establishments such as federal buildings, bars, etc. Regarding concerns for public safety, the police always, always assume that everyone they deal with are armed. That is how we are trained."

I should also go on to say that Sheriff Nichols is a former State Police Trooper, a former Chief of a town that I represent, Carrabassett Valley, with decades of law enforcement experience. And I wrote back to him saying that, "Scott, I truly appreciate your sharing this with us. I've always supported this for the exact reasons you so eloquently outlined. Would you permit me to use your remarks and credit them to you from the House floor?" And he responded, "Absolutely." Thank you, Mr. Speaker.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I am truly disappointed that this motion, the previous motion failed because I believe that this bill will lead to the greater availability of concealed weapons in the hands of people who have no business owning guns at all.

Although the numbers are unknown because we don't have a central database, we do know both from the state police and from the chiefs of police that hundreds of people have been turned down for permits for reasons that I'm sure all of you would agree disqualify them from being safe possessors of weapons of death. That is why they're owning these handguns.

In Maine, there is no problem of significance of violence between strangers. It happens occasionally, but very rarely, and of course when it happens it's very tragic. But, the main use of guns, handguns in particular, and any type of weapon held in the home is suicides, domestic violence disputes and accidents, most often involving children. So the weapons that are purchased for self-protection are actually winding up being used against the owners who sought that protection. This is no protection.

Moreover, the whole premise of this bill is built upon a notion of reality that is simply not true. We are teaching our children and ourselves that we have a reason to be afraid every time we walk into a store or into a public place or at work or whatever. This is no way to live. This is a darkening of our society that we should not encourage in any way, and I think that that's what the result of this bill will be. It might not lead to a wave of violence; I'm not predicting that. But I do think it will usher in a change in attitude about our neighbors, the people that we run into casually. There will be a paranoia that infects our society. Thank you.

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

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm a cosponsor of LD 652 and I believe it is good legislation that gives the people in my district and the entire State of Maine the full protection given in the Second Amendment of the Constitution of the United States, which is, and I quote, "Right of the people to keep and bear arms."

I'm a 22-year veteran of the Maine State Police and recently retired after 17 years of service as the Chief of Police in Dixfield. If I, in any way, felt this legislation was going to place the law enforcement community in peril or extreme danger, I would not have sponsored this legislation.

Prohibited people, such as convicted felons and those who choose to commit crimes and use weapons in the commission of those crimes, do not and never will seek out a concealed carry permit. But on the contrary they will conceal their weapons without a permit knowing they are prohibited by law to legally do so. I have submitted legislation, LD 600, to strengthen our Maine law regarding prohibited persons found in possession of a firearm.

My officers that I commanded while I was the Chief in Dixfield, and all of their fellow officers, are trained to treat every person they come into contact with in the course of their duties as if that person were armed, until such time as they are certain there is no weapon involved in that particular situation. This training starts at the Maine Criminal Justice Academy and it continues throughout that officer's career by way of in-service training until the day they retire.

The Maine State Police support this legislation, and I do as well. It has been my experience that anyone who chooses to carry a weapon learns how to safely handle it for their own protection as well as the protection of others. The recent amendment in the Senate assures this by placing the following language into this bill: "This amendment requires a person who is authorized under the bill to carry a concealed handgun without a permit to sign an acknowledgement that the person was provided a firearm safety brochure upon the purchase of a handgun. A firearm safety brochure is currently required to be provided with

every firearm sold. The amendment also adds to the information provided in the firearm safety brochure information developed by the Department of Public Safety related to locations where handguns are prohibited and information concerning the use of handguns for self-defense. The amendment requires the purchaser to retain the acknowledgement. It also requires the Department of Public Safety to post a firearm safety brochure and the acknowledgement form and a list of certified safety programs on the Department's publicly accessible website."

If passed into law this bill authorizes a person who is not prohibited from possessing a firearm to carry a concealed handgun without a permit. This bill also authorizes a person to possess a loaded pistol or revolver while in a motor vehicle or a trailer or other vehicle being hauled by a motor vehicle. I urge you all to follow my light, which will be green, and allow this good piece of legislation to become law. It's the right thing to do. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, We've heard that criminals do not go out and get permits, and that's exactly why I'm opposed to this bill. The district attorneys that I have spoken with have told me that when criminals are picked up for violent crimes, and they're found to be in possession of a gun without a permit, it's one more thing they can charge them with. And this is particularly helpful when it comes to reaching a plea bargain resolution to a violent crime case because they can offer to drop the concealed weapon, being possessed without a permit charge, for pleading guilty to the other charge.

One district attorney also pointed out to me that when victims of domestic violence do not want to show up to testify against their perpetrator, they can't get a conviction, but they can get a conviction on the charge of carrying a gun without a permit. And sometimes that's the only conviction that they get in the case and I think that's important. So, for those reasons, I'll be opposed to this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentleman of the House, so far you've only seen me rise once this year in this chamber, so I'm thinking that you're thinking this must be really important, right? At least I'm hoping.

I rise today in support of LD 652. This was a humongous leap for me and I'm going to explain why. My friends, I'm going to let you in on a secret. I have a concealed weapons permit. I have for some time. Worse, to some, I have a non-resident Utah permit, which combined with my Maine permit, allows me to carry concealed in over 30 states. I'm sure this causes heartburn for some. I'm a type "A." Everything causes me heartburn; I can sympathize.

To obtain these permits I had to clear many hurdles. Background checks, a couple of courses—courses that took many hours, hundreds and hundreds of dollars, getting a not-so-flattering photograph taken, be fingerprinted—I'd never done that before—etc. I had time and money to spend on this endeavor and zero urgency on my side.

I live in the most peaceful state in the nation, and I've never really been in a situation where I worried about my economic or personal security. At least not while living in Maine. All in all I've had a pretty "okay" life. I'm going to assume the majority of us sitting here today have had very similar experiences. The older and hopefully wiser I get, the more I realize that I don't walk in everybody else's shoes. Really, does anyone here? In case you

haven't noticed, I'm not a woman in her early twenties with a protection from abuse and harassment order. If I were, I probably wouldn't have the resources or time on my side to get a permit, but the person who may hurt or kill me doesn't let the current law stand in their way. They just don't care. Should a victim have to jump over hurdles?

I'm also not a naturalized immigrant who has chosen to set up shop in a shady part of town. The payoff may come, but with risks comes opportunity. Risk can be undoubtedly monetary, or you can pay with loss of life. This is the story of many that have carved out a life in the United States. Success in business can be determined by extremely small profit margins. Should one's life be considered a margin? I don't think so. Believe me, I've lived in parts of the country including downtown Baltimore where this is definitely the case. Should law-abiding citizens assume risk of life while they jump over restrictive hurdles?

I am not going to speak about the U.S. or Maine Constitutions because in the end of the day my opinions about each will not influence a single person here. Instead, who here believes we are all born with an inherent right to self-defense? Should a law-abiding individual have to ask for the right or even the privilege to defend oneself? Ask yourself if we have the right to use force against force to protect one's life? Do we need to ask the government for that right?

So far, me having been through the permitting process, my initial reaction to permitless carry was that if I can jump over the hurdles why can't everybody else? The answer is easy. Everyone's circumstance is different and not everyone's is the same as mine. I had the time, money, education, and interest to obtain a permit. I also didn't need one tomorrow to protect myself.

I didn't grow up around guns unlike most Mainers I know. When my wife and I decided to get our first gun—a shotgun—it's not a decision we made lightly. I tend to believe this is the case for the majority of gun owners. I put on the trigger lock and vowed not to touch it until we took a class. Since then we've taken many more classes, some courses because we wanted permits and others that were elective.

I sit on the board of a gun club where I promote safe firearms ownership, give people the opportunity to hone their newly acquired skills, and provide opportunities for new shooters to learn. What I can say sitting on this board is that almost everyone that wants to join my club has come there after having taken a class, whether they turn that into a concealed weapons permit or not. They take the responsibility of owning and carrying guns very seriously and this has nothing to do with the government having mandated a class.

I am an NRA Range Safety Officer and according to them I have the "knowledge, skills, and attitude essential to organizing, conducting, and supervising safe shooting activities and range operations." I've worked with many people new to shooting and their desire to be safe and obey the laws is always there. I take this advocacy and outreach very seriously that at first when I saw LD 652 it caused me a little bit of heartburn. The idea of mandating training to own and carry firearms seemed very comfortable to me. When I took a few steps back, I realized that most people were already doing this without a mandate just as I had.

The unfortunate reality is that under our current permitting system, the courses that people take vary significantly in scope. Some are comprehensive and include a detailed review of Maine's laws, gun safety, and even have a live fire component. Others are what I'd call "certificate mills" and unfortunately impart very little good information, yet leave unknowing students with the belief that this is what good training is supposed to be. Let's

raise this bar, and the only way I believe we can do this is by getting rid of the incentive to sell a certificate. We need to create an environment where people have access to only good training and this will never happen with the system we have in place.

To this end I've been working with the Gun Owners of Maine. I've let them know that after LD 652 is passed, I have very high expectations that they will shift from playing a legislative advocacy role to one of having resources in place for people that choose to carry a firearm, hone their skills, access training, or just want to understand how use of force laws work. To my delight, they were in the same place but hadn't communicated this publicly yet. You saw a letter on your desk this morning from Gun Owners of Maine, as well as a comprehensive outline of what they will be putting together, and a commitment to do so. I've inserted myself into this process and will make sure it happens, as I strongly believe that this will be an incredible resource for Maine's people, something we do not have today and something Gun Owners of Maine and myself believe will become a model for other states. I urge you to read it.

In closing, I've really had to challenge my own belief system to get where I'm at on permitless carry. I've had to put myself in other people's shoes and realize that what I've witnessed every day is that most firearms owners go out of their way to be safe and seek out good training. I'm happy to report my heartburn is gone, at least on this issue. We all need to trust that law-abiding citizens will abide by the law. Thank you for your time and I hope you follow my light. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan **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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, and I'm sorry I got back a little late. I've had a permit to carry concealed for 26 years and I've never had a problem. And after I retired, I worked over in Vermont for a month and when I went over there on a Sunday, I found myself crossing the Connecticut River with a loaded 38. And I unloaded it the next morning and I said to myself, "I have a permit in Maine and New Hampshire to carry concealed." And I went to the state police barracks and I'm talking to one of the sergeants and he said, "You don't have to worry about concealed gun here; you can carry it open or concealed." And he said, "But if you're a felon," he said, "We'll hang you."

But the bottom line is: Things like we're allowed to openly carry, and if I didn't have a permit and openly carry and I come up here and I want to come in here to see you, I'd have to leave the gun on the front seat of the car openly showing, lock the car and come in here. Well, if some kids went by, what are they going to do? They're going to break the window and probably steal the gun. That's pretty stupid. But if I put it under the seat or lock it in the trunk, I'm concealing it. Now I'm in trouble.

So, this bill is not really going to blow something big out of the water. It's just going to make things a little more, and you know I have a permit to carry and I've had it for 26 years. And the bottom line is, if I was a bad guy and didn't have a permit, I'd carry the gun anyway. You know, bad guys don't get permits. So, I hope that everybody looks at this in a positive way and we pass it. And thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you Mr. Speaker, I will be voting against this motion. Being on the committee, we heard a

lot of testimony for and against. We heard that the State Police were in favor of this bill. And we got some testimony from the concealed weapons permit issuers, some of the communities from Auburn and Bath, Brunswick, Fairfield—a number of different law enforcement agencies, and the reasons why they denied permits. And people like to get up and say that bad boys don't get permits, the bad guys don't. And, only law-abiding people are applying for permits.

I want to give you some numbers as to who were denied. You had, as of March 23, 2015, three convicted sex offenders, 13 criminal investigations were ongoing; 16 people were denied for domestic violence or violating a protection order; 11 felons who applied for permits. Well, you know, felons aren't supposed to have guns, are they? And that's what you heard, that's what we heard, is felon are not supposed, you're not legally possessing a gun if you're a felon. This is true. And if anybody was paying attention to the news a couple of weeks ago, there was a felon who applied for a permit, and the reason why they knew he had guns was because he was applying for a permit.

We're under the impression that when you're convicted of a felon charge, that the law enforcement goes to your house and takes your guns away. That doesn't happen. And, the way the gun laws are written today, it is legal for you to buy a person-to-person gun, stranger-to-stranger gun, from somebody, without a background check. The ones that are doing the background checks are your dealers. And because of that law, you have felons, and 11 of them, last year, applied for a concealed weapons permit.

During testimony we heard, or I actually looked up an article, about the State Police in the last session when we were here talking about this bill. And the State Police said that they checked background checks locally and 40 percent may have had mental illness problems. And actually, they were only checking 40 percent for mental illness. If this law passes, that will be 100 percent. We will have 100 percent of people with mental illness that could carry concealed weapons without a background check, because they can buy guns stranger-to-stranger without a federal background check. So, I want you to think about that when you're pushing the button. There are, is this law perfect? No, I would agree with Representative Gerrish; there's problems with this law. I think you fix the law, you don't throw it out. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, last term we had been invited by the Sportsman's Alliance of Maine to an afternoon of training around gun safety and after that had been invited to the gun range in Augusta to actually use weapons and learn how to shoot them. I wasn't able to make it to the training because I was stuck in committee, but I showed up to the gun range having had years of training already and was surprised to learn that no one showed up. Not one politician had shown up. They had decided that because the media was watching and that there were cameras, that no one wanted their photo taken with a gun.

So there I stood for two hours, maybe three, with some of the NRA guys shooting targets and having a really long philosophical conversation about the future of gun policy in the country. And it was fascinating because I grew up here in Maine and I grew up with guns. I happen to be a marked shot and I don't tend to miss. I tend to cluster quite well, as the good Speaker may recall. And under different circumstances, I might be inclined to vote for LD 652 because I also don't necessarily believe that this changes the dynamic in any marked way. However, I do believe that we fundamentally need universal background checks. I think it is a

sad day when we can vote for this, and yet not have a conversation and not pass universal background checks.

You know, growing up hunting, nobody went hunting with someone who was trigger happy. We can talk about the Second Amendment, and we can talk about how important it is for everybody to be armed, but I welcome anybody that wants to go out into the woods with someone who is notorious for being trigger happy. You just don't do it because it's dumb. One of two things is going to happen: One, you're going to end up dead one day, or close to it, or two, you're going to end up having to clean up someone's mess because they did not have the training and the responsibility that comes with gun ownership. I was taught at a very young age that you respect the weapon. I spent hours watching my dad, for years, clean that gun and he talked my brother and I through how to do it and how to respect that weapon.

And so I always struggle with this particular debate because on the one hand, it's propaganda either way you talk. When you talk about felons being able to access guns, those are felons that are also from out of this state and I may remind you that it is easy to have a felony if you have a marijuana possession charge in other states. So some of the charges, some of the felonies that we're talking about may be something as simple as that, they may be as important as a stalking charge or a violent criminal charge.

I will be voting against the pending motion because we don't have universal background checks. When you poll people across the board, even NRA members, everybody says by and large, universal background checks. But when we get to this State House, we can't pass universal background checks because it is politically unpalatable because we get phone calls and emails saying that the world's going to end if we have universal background checks, much like we hear that the world is going to end if constitutional carry moves forward. I don't believe that's the case in either framework, but I do remember the fact that politicians are happy to chat on the mic here about how important it is to have this right, but not one person showed up because they were afraid to have their photo taken with a gun in their hand. I was there that day and I'm the only one in this chamber that was.

So if we're going to have a real conversation about gun safety, which I think we all share a common goal of, we should have a real conversation about what that looks like. And that conversation should sincerely and authentically ensure universal background checks. You don't go hunting with someone who's trigger happy because you don't want to end up in a scenario that's bad. With universal background checks we make sure that we're removing folks who are otherwise unstable, potentially unstable, from the right to carry. Thank you, Mr. Speaker.

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

Representative **GROHMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, a number of us will probably have the opportunity to speak to the media after this important vote, hopefully not me, but I would ask that you mention one thing if you get the chance, which is to say keep your guns in a safe. That's really among the most important things that any of us can do. Do not let your kids know where the keys are kept and what the combination is.

I think those of us, like myself, that will be supporting this measure can really lead by example on this and make sure that we're promoting education and it's incumbent upon us to promote that and show that we're doing the right thing. Remember muzzle safety. Thank you, Mr. Speaker.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, first I want to clear up a misconception. Reasonable legal expectations for personal and public safety does not question a constitutional right. I don't know how you ascertain that thought.

Number two, the system, I will admit, that we currently have is not effective. I agree with the colleagues that I have on the Criminal Justice Committee regarding this whole jacket dilemma. Right. The issue of, "I can't, as a legal gun owner, simply put my jacket over my firearm." They're absolutely right. It doesn't make sense because right now when you open-carry a firearm, you don't even need training. And yet, we're really concerned that the middle of that process, after you've legally purchased it in a background check, then we're concerned about where you place it. The system isn't effective.

However, there are benefits to the existing permitting system. Number one: It's a tool for law enforcement. And if you bear with me, Mr. Speaker, I want to run through two quick scenarios:

Number one: We're going to call this person John Doe. I'm so excited. So, John Doe, let's break this down, has been arrested multiple times for domestic assault and has three misdemeanor convictions in the past five years—one for assault, one for stalking, and one for sexually abusing a minor. Sounds like a great guy, Mr. Speaker. Well, let's run through what happens when that person, John Doe, great guy, wants to purchase a firearm. There's two ways they can do that. Number one: from a licensed gun dealer. The dealer will perform an instant criminal background check on John Doe, which he will pass because people with multiple misdemeanor convictions and domestic violence arrests are not prohibited from owning guns.

Now if they go to a private sale, if John decides to buy a gun from someone other than a licensed dealer, no background check is required, but even if it was required, John's purchase would be approved. Now, when John Doe, after he's purchased a firearm, either on the private sale or a licensed gun dealer, wants to apply for a concealed carry permit, there's two things that happen. Under the current system, a check into John's criminal record reveals his multiple misdemeanor convictions and domestic violence arrests and John's permit application would be denied under the current system after the concealed carry application goes through. He is still, however, allowed to own said gun and keep it in his home, but he is not allowed to carry it concealed or loaded in public.

Now, if this bill becomes law, it would be legal for John to carry concealed carry in public. Law enforcement can no longer prevent John Doe, a convicted violent criminal with multiple recent convictions and arrests from carrying a hidden, loaded gun in public. That's scary, Mr. Speaker.

Let me run through scenario number two. This is equally as scary. Let's call him Joe Smith. Joe Smith was convicted of armed burglary—a felony—and is prohibited from buying or possessing a gun under both state and federal law. Now, if Joe Smith would like to buy a firearm, here's two things that can happen. From a licensed gun dealer, if Joe tries to buy a gun from a licensed gun dealer, for example, at a gun store, the dealer would run an instant criminal background check on Joe, which he will fail due to his felony conviction and the dealer would refuse to sell him the gun.

Now, if he goes on the private market, private sale, from an unlicensed seller, Joe decides to buy a gun from someone other than that licensed dealer, for instance a friend or a family member, no background check is required. So the seller has no idea that Joe is a convicted felon, who is a prohibited person under federal law. And so, I just point that out. So, that person

will then be able, Joe applies for a concealed carry permit after that process, under the current system a check into Joe's criminal record reveals his felony conviction. Ding! Ding! Ding! Here we go. He can be arrested there: illegal possession of a firearm.

If this bill becomes a law, there is no safety net, Mr. Speaker. So we've run through two scenarios. That's where this whole idea that bad guys will still carry guns. That is a scenario where at least is a hip check on certain individuals. Again, not a magic wand, still major issues, but a tool for law enforcement. When I speak, Mr. Speaker, to reasonable legal gun owners in my district, they like the permitting process because they like the safety course. They like the ability to know how to store their firearm in their purse, in their glove box. That makes sense to me and how to use the firearm. What is wrong with that? I don't see that.

And throughout this process, Mr. Speaker, I've tried to compromise. I actually wanted to support some version of this because I recognize there are problems in the existing system. But at the end of this conversation, what we should be talking about is where to place the stringent requirements in the entire process. Because right now in the middle of this process it's not effective. But as I've already stated, this is a tool for law enforcement to protect both personal and public safety, which is why we shouldn't throw the baby out with the bath water, but instead come up with a comprehensive reform package that actually addresses the real issues in our system. But that would take leadership on both sides that I haven't seen this session.

So, I would really like, if people actually really want to work on this, let's come down to brass tacks on both sides and actually work on it instead of throwing out political talking points on both sides to use in the next election. So I will be voting red on this, Mr. Speaker.

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

Representative **DOORE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise before you today in this very important issue. I am a gun owner. I have three guns: two handguns and a 308 American Ruger Rifle. And I have a permit to carry. I will never give up my guns and the right to protect myself and my loved ones.

I do believe, however, we need to have a permit process in place for concealed weapons. Although not perfect, our concealed weapon permit process does provide a check point, a vetting process, to stop individuals who should not carry those concealed weapons. So please join me today in defeating this LD. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Mr. Speaker, I apologize for rising a second time. I'd like to pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **FOWLE**: Representative from Dixfield, Representative Pickett spoke to the amendment on the bill that came from the other body. My question is, does this, when a gun is sold and they put this brochure on the gun, is that just through a dealer purchase, or is that also on a stranger to stranger where we seem to be having a lot of problems? Is that brochure still available at that point of a sale with a stranger to stranger?

The SPEAKER: The Chair should've reminded Members prior to keep the comments, debates, to the motion before the House. That is in Senate Amendment "B," which is not properly before the body.

The Chair reminded all Representatives to confine their debate to the question before the House.

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

Representative **BICKFORD**: Thank you, Mr. Speaker, in reference to the speaker that spoke earlier about John Doe and Joe Smith, I would say that John Doe, with his assault convictions legally now could carry a weapon down the street so long as it was holstered and he didn't put a jacket on. With Joe Smith, it would be illegal for him to own a gun now, so he would be breaking the law whether he had a jacket on or not, whether he had a gun holstered to his side or not. So, it's my belief that that really has no bearing on the vote that we're about to take. Thank you.

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. 127

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

NAY - Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Burstein, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

ABSENT - Chapman, Gilbert, Guerin, Head, Saucier, Timmons.

Yes, 83; No, 62; Absent, 6; Excused, 0.

83 having voted in the affirmative and 62 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-119) was READ** by the Clerk.

Senate Amendment "B" (S-153) to Committee Amendment "A" (S-119) was READ by the Clerk and **ADOPTED.**

Representative McCABE of Skowhegan **PRESENTED House Amendment "B" (H-247) to Committee Amendment "A" (S-119)**, which was **READ** by the Clerk

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

Representative **McCABE**: Thank you, Mr. Speaker, the amendment before you would require that the minimum age for permitless carry be 21. Currently, those folks under 21 can actually go through permitting process, my understanding is it's 18 and older. This amendment would just provide clarity in the amendment that just passed, making the age for permitless carry to be 21, which I know many 18- and 19- and 20-year-olds and feel that the age 21 is probably appropriate for permitless carry. Thank you, Mr. Speaker.

Subsequently, **House Amendment "B" (H-247) to Committee Amendment "A" (S-119) was ADOPTED.**

Representative FOWLE of Vassalboro **PRESENTED House Amendment "A" (H-242) to Committee Amendment "A" (S-119)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, this amendment would require anyone carrying a concealed weapon to inform a law enforcement officials when officially stopped. Several states have this provision that requires disclosure of law enforcements including Alaska, Arkansas, Delaware, Illinois, Louisiana, Michigan, Nebraska, North Carolina, Ohio, Oklahoma, and South Carolina.

Now, it took me until about 12:30 today to decide to put that amendment on. And the reason I bring you that amendment is that there's been a lot of talk about the State Police supporting this. During our process and our hearings, we heard from the State Police that were in support of this bill. But we also heard about their concerns. And I truly believe that if you are going to ask someone to be your guest of honor at your party, you ought to listen to their concerns when they arrive. They brought you lots of votes, and I think we ought to listen to them.

And one of their concerns was, and I actually in testimony and hearing from people that were coming forward thought this was in law, but it isn't. It is part of the training process that dealers do now when they sell guns and they train people, that they recommend that when law enforcement is approaching you and you have a concealed permit and you concealed weapon, that you notify them. That is not in law. This would put it in law, and I ask for your support. And I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-242) to Committee Amendment "A" (S-119).**

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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise respectfully in opposition to the pending motion. I understand the reason why folks would want to require that individuals inform a law enforcement officer that there is a concealed weapon in the car. However, I have serious concerns about the opportunity for there to create friction. I heard earlier that law enforcement are more fearful of a gun than just about anything else, and I fear that if you inform a law enforcement officer that there is a weapon in the vehicle, in some way, shape, or form, a few interactions could potentially turn in a direction that we don't necessarily want them to.

I know that if someone informs me that they have a weapon, I automatically wonder what that means. Is that going to encourage an escalation of a scenario that otherwise would not be? If a weapon is stored neatly in a glove compartment box, does that mean that the law enforcement officer is then going to want to search the vehicle? I think there are a lot more unanswered questions with this particular amendment that cause me grave concern.

The other thing that I would add is that I think that the reaction, or the scenario, could be very different for someone who happens to be Caucasian, than for someone who happens to be African American. We've seen, in other areas of law, where African Americans are disproportionately treated differently than Caucasian Americans. And I think it's unfortunate, but that may very well have an unintended and unexpected consequence if we

pass this, and I, for one, have too many questions about this particular piece to be able to vote in support of it. So, I will be voting against the pending motion, and I'll leave it up to your consciences to decide which direction you'd rather go. But, I would rather deescalate a situation and not unnecessarily escalate a situation.

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

Representative **DION**: Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House, this bill and its partner bills are of great concern to me, but I'm reminded recently, having an argument with my wife, for those who you who are married you'll probably appreciate this story a little bit. We've been together for going on almost 37 years now. And most of the time when we argue, she'll declare that I'm wrong.

There's not much of a debate. There are no chances for hypotheticals. If my language uses too many syllables, she reminds me not to be "lawyering up" on her. And even when she declares that I'm wrong, I recognize that she might be right; that she's acting in my best interest, and when the roles are reversed, I'm trying to act in her best interest. And that's how we move forward.

The bills we pass today, to my mind, are wrong. I'm convinced of that. But at the same time, I shall not lecture my colleagues who choose to see it as right. They've earned that, as I've earned my opinion and the right to express it. So, what I have learned from my wife is when I'm wrong there's always an opportunity to help her make it right a little bit better. And I think this amendment is a step in the right direction. I don't think police officers are different than you and I in this chamber; they have different opinions. We've heard official positions from associations, but I've talked to rank and file and been part of the rank and file for over 30 years. And my colleagues across the aisle have members who've served with distinction in the field as well.

What we share is the possibility that today or tomorrow, or maybe next week, we have a confrontation with someone who's armed. Sometimes we know and sometimes we don't. All this amendment does is, hopefully, short circuit the opportunity from being misunderstood. All it asks is if the citizen is exercising her or his constitutional right, that they announce it as such so the officer can make the right conclusion based on that statement, and have a proper and positive outcome in that interaction with the citizen. This amendment is about keeping people safe and enhances the exercise of that constitutional right. I ask for your support on behalf of all the officers who are out in the field today, and the weeks and months and years ahead, that if they engage a citizen exercising their Second Amendment right to self-defense, that they begin with the most common-sense thing first: is announcing that exercise. And really, if you think about the concealed weapons permit, it has always been about providing proper notice to citizens and the police as to your intent surrounding a weapon. So, if you are right in the exercise of constitutional carry, then you must be equally right about protecting the interest of those you've asked to serve on your behalf and keep them safe in harm's way to save themselves from a bad outcome, and God willing, to excuse you for the potential for similar negative experience. Thank you.

The SPEAKER: The Chair recognizes the Representative from Greene, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I think this is a common-sense amendment. I've had a concealed carry permit for about 20 years now. I've been stopped twice when I've had my concealed weapon. I notified the police officer that I had it, and both times,

the officer thanked me for notifying him. So, I think this is a common-sense amendment. I hope we all support it.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I oppose the pending motion. When I took my basic practical course we were told we may want to inform an officer if we are stopped and we are carrying a firearm, and we may want to offer them our permit with our license to let them know that we were licensed to be able to carry. But it's not the law. Some officers will have an issue, some might escalate their position, and some will remain calm and say something like, "If you keep yours holstered then I will do the same." I don't think we should have a fine if we do not notify an officer. I think we should be able to continue to do things the way we've been doing them. Thank you.

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

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, just briefly, I like the concept of the amendment, but I don't think it's needed to become law because it's been my experience that most people, that when you deal with them as a police officer, they will tell you if they, just like the good Representative just spoke of before, the people that don't want you to know they have a weapon are not going to be telling you they have a weapon in the car, or a concealed weapon either. So, thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-242) to Committee Amendment "A" (S-119). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 128

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Burstein, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanington, Harlow, Herbig, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Noon, Pierce T, Powers, Prescott, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Dunphy M, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Greenwood, Hanley, Hawke, Herrick, Hickman, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, Martin J, McClellan, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Reed, Russell, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Chapman, Gilbert, Guerin, Head, Timmons.

Yes, 81; No, 65; Absent, 5; Excused, 0.

81 having voted in the affirmative and 65 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-242) to Committee Amendment "A" (S-119) was ADOPTED.**

Committee Amendment "A" (S-119) as Amended by House Amendment "A" (H-242), House Amendment "B" (H-247) and Senate Amendment "B" (S-153) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-119) as Amended by House Amendment "A" (H-242), House Amendment "B" (H-247) and Senate Amendment "B" (S-153)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-231)** - Committee on **TAXATION** on Bill "An Act To Provide Local Sales Tax Increment Disbursements" (H.P. 342) (L.D. 503)

Which was **TABLED** by Representative GOODE of Bangor pending his motion to **ACCEPT** the Majority **Ought Not to Pass Report**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously 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. 129

YEA - Battle, Beavers, Bickford, Black, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Cooper, Corey, Crafts, Daughtry, Davitt, Dillingham, Doore, Duchesne, Dunphy L, Edgecomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Grant, Greenwood, Hanington, Hanley, Hawke, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Kumiega, Lajoie, Lockman, Long, Longstaff, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McCreight, McElwee, McLean, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Rotundo, Sanborn, Sanderson, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Alley, Babbidge, Bates, Beck, Beebe-Center, Blume, Brooks, Chenette, Chipman, DeChant, Devin, Dunphy M, Farnsworth, Fecteau, Frey, Goode, Grohman, Hamann, Harlow, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Luchini, Mastraccio, Melaragno, Monaghan, Moonen, Morrison, Noon, Pierce T, Russell, Rykerson, Saucier, Schneck, Stuckey, Tepler, Verow, Warren.

ABSENT - Austin, Chapman, Dion, Gilbert, Guerin, Head, Theriault, Timmons.

Yes, 101; No, 42; Absent, 8; Excused, 0.

101 having voted in the affirmative and 42 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass Report** was **ACCEPTED** 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 Friday, May 29, 2015, 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 Extend the Funding Period for Landfill Closure Costs"

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

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

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

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

PENDING - FURTHER CONSIDERATION.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-213)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Preemployment Credit Privacy"

(H.P. 795) (L.D. 1157)

TABLED - May 29, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, on motion of Representative HERBIG of Belfast, the Minority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-213)** 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-213)** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-235)** on Bill "An Act To Improve Maine's Juvenile Justice System"

(H.P. 712) (L.D. 1029)

Signed:

Senators:

ROSEN of Hancock

GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro

CHENETTE of Saco

DAVITT of Hampden

GERRISH of Lebanon

LAJOIE of Lewiston

NADEAU of Winslow

THERIAULT of China

TIMMONS of Cumberland
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-236)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representative:

LONG of Sherman

READ.

Representative FOWLE of Vassalboro 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 Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to address my concerns with LD 1029, Amendment "A." Amendment "A" takes the discretion away from the judge when the juvenile is brought into the court room.

The **SPEAKER**: Will the Representative defer? If the Representative is referencing the Committee Amendment "A", we are currently on accepting the Majority Ought to Pass as Amended Report.

The Chair reminded Representative HERRICK of Paris to confine his debate to the question before the House.

The **SPEAKER**: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: I'm sorry, Mr. Speaker, I may have moved the wrong report. I meant to move the Majority Ought to Pass, excuse me.

The **SPEAKER**: The current motion before the body is shall the House Accept the Majority Ought to Pass as Amended Report.

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

Representative **FREDETTE**: Thank you, Mr. Speaker, I think I have this now. But given the little bit of confusion on this, I'd ask the Clerk to 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 Paris, Representative Herrick.

Representative **HERRICK**: Mr. Speaker, may I speak on the amendment?

The **SPEAKER**: Not at this time. I will make sure that you have an opportunity, Representative Herrick, to speak on the Committee Amendment "A."

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. 130

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper,

Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Hanington, Harlow, Hawke, Herbig, Hickman, Higgins, Hilliard, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Winsor, Mr. Speaker.

NAY - Black, Crafts, Dillingham, Dunphy L, Farrin, Greenwood, Hanley, Herrick, Hobart, Long, Lyford, Pickett, Sherman, Skolfield, Stearns, Timberlake, Tuell, Wadsworth, Wood.

ABSENT - Austin, Chapman, Gilbert, Guerin, Head, McClellan, McLean, Pierce J, Theriault, Timmons.

Yes, 122; No, 19; Absent, 10; Excused, 0.

122 having voted in the affirmative and 19 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-235)** was **READ** by the Clerk.

The **SPEAKER**: The Chair recognizes the Representative from Paris, Representative Herrick.

Representative **HERRICK**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to address my concerns on LD 1029, Amendment "A." This takes the decision away from the judge when the juvenile prisoner enters the courtroom. Amendment "B" is actually the one that allows the discretion of the judge to make that decision. I think, and I know for a fact, being former sheriff for 16 years, that the courts and the sheriff are ultimately responsible for that prisoner be a juvenile or an adult.

The sheriff is responsible for the up to the doors inside the courtroom, and then, ultimately, the judge makes the deciding factor of whether those leg shackles stay on or they come off due to security reasons that probably the judge and the sheriff, or representative of the sheriff, have discussed. It is my opinion that Amendment "B" is the way that we should secure the decision of the judge and allow that to happen, and not take that privilege and right of that judge away from the courts and the judge for someone else to make that decision on the removal of the shackles on that juvenile. Thank you.

Subsequently, **Committee Amendment "A" (H-235)** was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-235)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-238)** on Bill "An Act To Limit the Amount That May Be Retained on Construction Contracts"

(H.P. 510) (L.D. 757)

Signed:

Senators:

CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan

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

Signed:

Senator:

VOLK of Cumberland

Representative:

WARD of Dedham

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-238)** 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-238)** and sent for concurrence.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, May 29, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Remove Limitations on Reciprocity for Concealed Handguns Permits"

(S.P. 313) (L.D. 868)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - May 20, 2015 (Till Later Today) by Representative FOWLE of Vassalboro.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative GIDEON of Freeport **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. 131

YEA - Alley, Austin, Bates, Battle, Beavers, Beck, Bickford, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Chenette, Corey, Crafts, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farrin, Fecteau, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Greenwood, Grohman, Hanington, Hanley, Hawke, Hickman, Higgins, Hilliard, Hobart, Hobbins, Jorgensen, Kinney J, Kinney M, Lockman, Long, Longstaff, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McElwee, McLean, Morrison, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Prescott, Reed, Russell, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Wood.

NAY - Babbidge, Beebe-Center, Blume, Brooks, Burstein, Chipman, Cooper, Daughtry, Davitt, Dion, Farnsworth, Fowle, Frey, Gattine, Gideon, Golden, Goode, Hamann, Harlow, Herbig, Hogan, Hubbell, Hymanson, Kornfield, Kruger, Kumiega, Lajoie, Luchini, McCreight, Melaragno, Monaghan, Moonen, Nadeau, Pierce T, Rotundo, Rykerson, Sanborn, Schneck, Stuckey, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

ABSENT - Chapman, Gilbert, Guerin, Head, Herrick, Pouliot, Powers, Theriault, Timmons, Winsor.

Yes, 98; No, 43; Absent, 10; Excused, 0.

98 having voted in the affirmative and 43 voted in the negative, with 10 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Participation by Private School Students in Extracurricular and Interscholastic Activities at Public Schools" (EMERGENCY)

(S.P. 531) (L.D. 1420)

Signed:

Senators:

LANGLEY of Hancock
EDGEComb of Aroostook
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
POULIOT of Augusta

STEARNS of Guilford
TIPPING-SPITZ of Orono

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

Signed:
Representative:
DAUGHTRY of Brunswick

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

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

CONSENT CALENDAR
First Day

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

(S.P. 320) (L.D. 929) Bill "An Act Relative to the Escheat of United States Savings Bonds" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)**

(S.P. 424) (L.D. 1197) Bill "An Act To Allow Certificate of Approval Holders under the Liquor Licensing Laws To Donate Alcohol to Nonprofit Organizations" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-152)**

(S.P. 504) (L.D. 1374) Bill "An Act To Expand the Educational Opportunity Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-151)**

(H.P. 812) (L.D. 1179) Bill "An Act To Prohibit the Selling of Humans" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

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 Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS
Emergency Measure

An Act To Amend the Trespass Laws Pertaining to Railroad Property

(H.P. 563) (L.D. 829)
(C. "A" H-203)

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. 118 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2015-16

(H.P. 666) (L.D. 967)
(C. "A" H-210)

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. 128 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, To Study Allocations of the Fund for a Healthy Maine

(H.P. 624) (L.D. 905)
(C. "A" H-204)

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. 108 voted in favor of the same and 20 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

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

(H.P. 957) (L.D. 1408)

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. 103 voted in favor of the same and 37 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act Regarding Maine's Power of Sale Foreclosure Law
(H.P. 194) (L.D. 276)
(C. "A" H-201)

An Act To Exempt Military Pensions and Survivor Benefits from Maine Income Tax
(H.P. 198) (L.D. 280)
(C. "A" H-211)

An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities
(H.P. 222) (L.D. 328)
(C. "A" H-202)

An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin
(S.P. 146) (L.D. 378)
(C. "A" S-126)

An Act To Strengthen the Maine Agriculture Protection Act
(H.P. 411) (L.D. 598)
(C. "A" H-200)

An Act To Create a Spat Collection License
(H.P. 450) (L.D. 669)
(C. "A" H-218)

An Act To Enhance Equity and Efficiency for Off-track Betting Facilities

(H.P. 572) (L.D. 838)
(C. "A" H-206)

An Act To Provide for Improved Reporting of Marine Resources Landings

(H.P. 845) (L.D. 1227)

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

Resolves

Resolve, To Ensure That MaineCare-eligible Children Have Equal Access to Providers of Dental, Hearing and Vision Services

(S.P. 242) (L.D. 649)
(C. "A" S-127)

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

An Act Regarding Ethanol-free Motor Fuel

(H.P. 979) (L.D. 1435)

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

On motion of Representative O'CONNOR of Berwick, was **SET ASIDE**.

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, I wasn't going to speak to this, but I couldn't resist. I'm reminded of a song my kids used to listen to in the 1970's by Kermit the Frog: "It Ain't Easy Being Green." Selling corn ethanol as a fuel additive indeed makes being green impossible, never mind, not easy. The only thing green about the ethanol renewable fuel standard is the billions of dollars it takes from the taxpayers and consumers and funnels to politicians who pass the cash to corporate giants, who then return some of it as campaign contributions to get the politicians reelected, and the beat goes on.

Corn-based ethanol requires 2,500 to 29,000 gallons of fresh water per million BTU's of energy. This is a pretty scary statistic as we witness places like California in one of the most serious droughts in history. But the cronies keep insisting we reach the goals of the RFS and that federal law requires that the ethanol mandate must keep rising. From nine billion gallons of ethanol in 2008 to 14 billion now, and 36 billion gallons by 2022.

Now, ask yourself: Where does all that water go, and what's in it? Much of it is nitrogen fertilizers that get washed off the land into waterways that drain into the Gulf of Mexico where they cause giant summertime algae blooms. When the algae dies, it decomposes and it makes a mess killing all the marine life that can't swim away. The RFS and all its tomfoolery would lead you to believe that gas would cost more if it was not blended with ethanol. That is rubbish.

The facts show that ethanol's 30 percent less efficient, which results in we, the consumer, shelling out more money for fewer miles driven. I can't even begin to estimate the economic loss caused by damage to our lawnmowers, snowmobiles, four-wheelers, and every other vehicle. Ethanol collects water, gunks up fuel lines, corrodes engines, and worst of all: "Man who burns his food goes hungry."

I could probably go on about this, but most of you know a lot about this. I changed this bill and added one sentence to it. It then became a Governor's bill because the time had passed for me to add the amendment to the floor. What that does is protect the contracts of the petroleum industry. I was quite surprised when I found out that corn ethanol and petroleum were in bed together. I was really surprised. But then I wasn't when I looked and saw that at every store—Lowe's, Walmart, Sears, Ace Hardware, etc.—you can buy quarts of E0 91 octane for \$7.88 a quart. That's \$31.52 a gallon. If you're lucky, you can get it somewhere on sale for \$44 for six quarts.

That really kind of ticks me off and I think that we should really go and look at the Federal Trade Commission because that seems to me to be extortion when you can really pump this at airports and marinas for anywhere from \$3 to \$3.50 a gallon. I want this bill passed because it gets the elephant's nose under the tent, but in the meantime, I plan on dealing with the petroleum industry, and I'd like to ask for a roll call on this, and I hope you all follow my light. Thank you.

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

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

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

ROLL CALL NO. 132

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Hanley, Harlow, Hawke, Herbig, 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, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Chapman, Gilbert, Guerin, Head, Herrick, Powers, Theriault, Timmons.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

CONSENT CALENDAR

First Day

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

(H.P. 113) (L.D. 155) Bill "An Act To Expand Housing Opportunities for Patients with Complex Medical Conditions" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-249)**

(H.P. 776) (L.D. 1125) Bill "An Act To Expand Public Access to Epinephrine Autoinjectors" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-250)**

(H.P. 907) (L.D. 1335) Bill "An Act To Amend the Election Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-251)**

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

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

ENACTORS

Acts

An Act To Provide Lower Energy Costs to Maine Businesses and Residences by Carrying Out the Legislature's Intent Regarding Funding of the Efficiency Maine Trust

(H.P. 833) (L.D. 1215)
(C. "A" H-113)

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

Representative McCABE of Skowhegan moved that the House **RECONSIDER** its action whereby this Bill was **PASSED TO BE ENACTED**.

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

Representative **McCABE**: Thank you, Mr. Speaker, we passed this bill back on May 6th with 138 in the "yea's," 1 in the negative, so my reconsideration today is based on the fact that by reconsidering it, I hope folks will actually vote down the reconsideration, we'll move this bill forward, and move on. And I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Point of Order, Mr. Speaker, in terms of my understanding is the bill passed under the hammer. Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Representative **FREDETTE**: And the pending motion is to reconsider the vote where it went under the hammer. Is that correct?

The SPEAKER: The Chair would answer in the affirmative, and there is a roll call present on the Reconsideration of our prior actions. A roll call is in order on the Reconsideration of our actions whereby we passed this Bill to be Enacted.

The Chair recognizes the Representative from Newport, Representative Fredette.

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

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: Thank you, Mr. Speaker, and I think, actually, that the Speaker requested of the good Representative from Skowhegan to explain the explanation for why the motion to reconsider, I didn't understand or hear his explanation why we need to reconsider.

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, I thank the Representative from Newport for the question. My interest today in voting down the reconsideration is to just move this bill forward at this time and send it along its way.

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I'm a little dense, but it seems like the bill has already been passed, so I'm really curious. This thing has been batted around and slapped around like a rented mule, and I think that it's time that we just pass the damn thing and be done with it. So, could somebody explain to me...

The SPEAKER: The Member will defer. Watch language. The Member may proceed.

The Chair reminded Representative **DUNPHY** of Embden to watch his language.

Representative **DUNPHY**: Sorry. I do apologize. But, I am confused. I wish someone would explain in detail the necessity of doing this, and let's just let the thing pass and be done with it. I'm tired of the politics with this bill. It's damaging our ability to function. So, I'd like to hear a real stand-up reason why.

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

Representative **McCABE**: Thank you, Mr. Speaker, the good Representative from Embden posed sort of a question, and I would answer that, for me, I'm very much interested in getting this out of this chamber at this time. So, actually the reconsideration is just to make sure that this bill isn't held and is sent along its way. So by voting down the reconsideration at this time, the bill will pass and move along in the normal process.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Members of the House, I would suggest if you do not want to hold this bill over night that you'd vote against the motion to reconsider, and I'd ask everyone in this body to vote "no."

The SPEAKER: The Chair recognizes the Representative from Embden, Representative Dunphy.

Representative **DUNPHY**: Thank you, Mr. Speaker, I need somebody to walk me through this. I told you I was real slow. I need someone to walk me through this why we're doing it, and my understanding is that we had a roll call vote here, it passed. In fact, I think there was only one against it. It went to the Senate. It went under the hammer in the Senate. And it's simply back here, not for reconsideration, but for adoption. Am I wrong?

The SPEAKER: The Representative from Embden, Representative Dunphy, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, in response to the question from the good Representative from Embden, Representative Dunphy, I would say yes, and if it's his

interest to move this bill forward today, then he should vote down the reconsideration at this time.

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

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, I, too, am concerned about the motion before us. Sounds to me, if you read between the lines, that there is a member of the chamber who would, ultimately, like to hold the bill. Now, I have never seen this done in the seven years I've been in the Legislature for the purpose of moving a bill forward. And, I have serious concerns that if, obviously, people want to move this forward and I understand why, but if we're doing it this way, it sounds to me like we're preventing a member of the House from being able to hold the bill, and I have serious reservations about circumventing parliamentary procedure, because it sounds like we're disrespecting a member of the House who might otherwise want to hold the bill. And, for the record, that person is not me, but if the only way to move this forward is to prevent someone from being able to hold the bill, I have concerns about that. But, I also, I'm happy to follow my leadership, but this is a very, very weird way of moving a bill forward, and I would just like to put that on the record that I'm also uncomfortable with it.

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

Representative **MARTIN**: Thank you, Mr. Speaker and Member of the House, I know this may be confusing for new members, or maybe some even older members, but this process is something that we have always used when I was in the business of being a presiding officer. And this process basically is to move reconsideration and then ask everyone to vote against you so that the bill cannot be held until the next day, and so the bill will move. If the motion to reconsider fails today, the bill can no longer be held overnight, and the bill will move forward. I hope that explains it.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAMPBELL**: So, is it my understanding that with this reconsideration, this bill cannot be reconsidered again for an amendment?

The SPEAKER: The Chair would answer in the affirmative. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, Ladies and Gentlemen of the House, let's really talk about what's really going on here. Because this isn't really about procedure, this is about politics. Okay? I made a phone call and I asked if when Supplement 11, and just for those of you who may not have the Supplement in front of you, this is the "And" Bill, okay? We all, I think, probably generally have the recollection of what the "And" Bill is all about.

This is about Efficiency Maine Trust putting the "and" back in, and doing what Representative Gideon's bill suggested we do, which would, essentially, in the end, result in an increase in funding for, possibly, the Efficiency Maine Trust. And we took a vote on that in this body, and I believe it was 138:1.

Surprising to me today, at about 4:30, Supplement 11 showed up on our desk, and it was the "And" Bill, and I didn't have any notice this was a bill coming. We have other matters down before the committee that have been related to this matter, and so I, out of courtesy, thought I would call the Clerk and say, "I'd like to hold this bill," which means we, essentially, would pass the

bill and it would be held one day. That simple. There's no trickery here.

But, obviously, it seems to me, that the good speaker from Skowhegan would rather see this bill out of here rather than it be held one day. Now, we've had bills already held in this body before if I'm not correct. So, this is not unusual. So, for those who claim that this is some sort of unusual, odd thing, it's not. And it's something that was done when Speaker Nutting was the Speaker, and it's something that's been done when the Speaker, the presiding officer has been the Speaker. And it's generally done as a courtesy. I don't need to hold this bill; it's not that big a deal. Okay?

So, let's reconsider it, and let's move on. But, once again, it's politics on this bill. Rather than simply saying, "Geez, let's pass the bill, hold it for a day, then moves down to the Chief Executive's Office." That's what's really going on, folks. This isn't about procedure. Thank you, Mr. Speaker. I won't hold the bill.

Subsequently, Representative McCABE of Skowhegan **WITHDREW** his **REQUEST** for a roll call.

Subsequently, with unanimous consent, the same Representative **WITHDREW** his motion to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED**.

Sent to the Senate.

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

On motion of Representative DUNPHY of Embden, the House adjourned at 4:48 p.m., until 9:00 a.m., Tuesday, June 2, 2015, in honor and lasting tribute to Louise M. Connelly, of Newport and Albert E. Foster, Jr., of Montville.