

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION  
55th Legislative Day  
Friday, June 5, 2015

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

The Speaker resumed the Chair.  
The House met according to adjournment and was called to order by the Speaker.  
Prayer by Reverend Neil Bickford, West Bethel Union Church, Bethel.  
National Anthem by Leonard Middle School Jazz Ensemble, Old Town.  
Pledge of Allegiance.  
Doctor of the day, Maroulla Gleaton, M.D., Augusta.  
The Journal of yesterday was read and approved.

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**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Prevent the Infestation of Firewood by Invasive Species"

(H.P. 789) (L.D. 1151)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-276)** in the House on June 3, 2015.

Came from the Senate with the Minority (1) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Bill "An Act To Improve Program Integrity Activities within the Department of Health and Human Services"

(H.P. 288) (L.D. 421)

Majority (7) **OUGHT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on June 3, 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**.

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**Non-Concurrent Matter**

Bill "An Act To Remove the 100-megawatt Limit on Hydropower under the Renewable Resources Laws"

(H.P. 90) (L.D. 132)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in the House on June 3, 2015.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**COMMUNICATIONS**

The Following Communication: (S.C. 405)

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

June 4, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Judiciary, the nomination of

Honorable Thomas E. Humphrey of Sanford for appointment as a Supreme Judicial Court Justice.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

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

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

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**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 26)

**ORDERED**, that Representative Jennifer L. DeChant of Bath be excused May 29 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Paul E. Gilbert of Jay be excused June 1 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Stephanie Hawke of Boothbay Harbor be excused May 29 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Frances M. Head of Bethel be excused June 2 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lloyd C. Herrick of Paris be excused May 29 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative MaryAnne Kinney of Knox be excused May 28 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative David P. Sawicki of Auburn be excused May 29 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Michael J. Timmons of Cumberland be excused May 29, June 1, 2 and 3 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Karleton S. Ward of Dedham be excused May 28 for personal reasons.

**READ** and **PASSED**.

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Earle G. Shettleworth, Jr., of Hallowell, on his retirement from the position of Director of the Maine Historic Preservation Commission. A native of Portland, Mr. Shettleworth graduated from Deering High School in 1966. He studied art history at Colby College and earned a master's degree in architectural history from Boston University. His interest in history began when Portland's Union Station was demolished in 1961. He began his career with the commission in September 1973. Two years later he was named acting director, and he was appointed director in January 1976. During Mr. Shettleworth's more than 4 decades in State Government, the commission has been responsible for the nomination of 1,592 Maine properties to the National Register of Historic Places. Mr. Shettleworth has served as chair of the State House and Capitol Park Commission, the Blaine House Commission and the Capitol Planning Commission and as a board member of the Friends of the Blaine House. In December 2012, Governor Paul LePage reappointed him to a 3rd 4-year term as Maine State Historian. He will continue to carry out the duties of this office, which include researching, lecturing on and publishing information about Maine history and heritage. We extend to Mr. Shettleworth our congratulations on his retirement and our best wishes;

(HLS 586)

Presented by Representative WARREN of Hallowell.

Cosponsored by Senator McCORMICK of Kennebec, Representative TIPPING-SPITZ of Orono, Representative HARLOW of Portland, Representative FARNSWORTH of Portland, Representative MOONEN of Portland, Representative RUSSELL of Portland, Representative CHIPMAN of Portland, Representative JORGENSEN of Portland, Representative STUCKEY of Portland, Representative DION of Portland, Senator ALFOND of Cumberland, Senator HASKELL of Cumberland, Senator LANGLEY of Hancock, Senator EDGECOMB of Aroostook, Senator MILLETT of Cumberland, Representative KORNFIELD of Bangor, Representative DAUGHTRY of Brunswick, Representative HUBBELL of Bar Harbor, Representative PIERCE of Falmouth, Representative MAKER of Calais, Representative McCLELLAN of Raymond, Representative POULIOT of Augusta, Representative STEARNS of Guilford.

On **OBJECTION** of Representative WARREN of Hallowell, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, it gives me great pleasure to rise and congratulate Hallowell resident, Earle Shettleworth, on his retirement as Director of the Maine Historic Preservation Commission. Our entire state has been fortunate by Mr. Shettleworth's 42-year presence at the Commission.

And in Hallowell, specifically, Earle is the go-to person on all things historic preservation. Whether we are restoring our city hall, determining the date of construction for the hose tower on our fire station and original City Hall, or hosting historic lyceums and art shows, Earle is the man to see. I know I'm not alone when I congratulate Earle on his retirement. Thank you.

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

Representative **GRANT**: Thank you, Mr. Speaker, I would be remiss if I didn't stand up also and congratulate Earle on his

retirement. For many years, Earle lived in Gardiner, and has written or co-authored so many books of importance to our local history. And I look forward to the many more books that he will now have time to write. Thank you, Mr. Speaker.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, I just want to rise and thank Mr. Shettleworth for being such an exemplary public servant over the years. And, I want to call attention to the many ways in which he has served this state.

I was in the Portland Art Museum a few years ago and saw prints that he had donated to the museum and it was just one small piece of the myriad of things that he has done to enrich the lives of the people of Maine over the years. And I thank him for all that he's done and for helping us to preserve the rich heritage of our state. I wish him the very best, always. Thank you.

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

Representative **JORGENSEN**: Thank you, Mr. Speaker, I wasn't prepared to speak, but I just wanted to say that I've had the privilege of working with Mr. Shettleworth for my entire professional career in various ways. And I think that whether you're in this room, which bears his influence in terms of its beauty and its restoration, or whether you're walking around Capitol Park, or whether you're going down any Main Street in Maine, or whether you have a random photograph of some building from some town from somewhere, you can give it to Earle and he will know what that picture is, who took it, and where it came from.

The state is going to really have a huge hole when he retires and I just want to wish him all the very best as a great friend, a wonderful colleague, and congratulations on an extraordinary career. Thank you, Mr. Speaker.

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

Representative **SKOLFIELD**: Thank you, Mr. Speaker and Ladies and Gentlemen, my career with the Park service, Mr. Shettleworth was invaluable to us in our maintenance of our historic sites and when we had a question about how to proceed on maintenance or how to make it more available to the public, or to interpret what we were doing, he was always there to lend a hand. And we too will miss him in that regard. Thank you, Mr. Speaker.

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

Representative **HICKMAN**: Thank you, Mr. Speaker, Men and Women of the House, I rise to congratulate Mr. Shettleworth on his amazing career. As a lover of history, I certainly am impressed by his honoring of history. I also want to thank him for his help in getting the edible landscaping in Capitol Park bill passed last session. He was very instrumental in making sure that that happened. And so, I wish him well in his future endeavors, and I look forward to his next five books.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, I wanted to pipe in and be sure that I expressed my appreciation for the affection for history that Mr. Shettleworth has demonstrated all throughout his professional career. And I just wanted to say that he has been, in all aspects, a wonderful ambassador for the telling of the Maine story.

Subsequently, the Sentiment was **PASSED** 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" (S-165)** on Bill "An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime"

(S.P. 412) (L.D. 1160)

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFISKY of Cumberland

Representatives:

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

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

Signed:

Representatives:

GERRISH of Lebanon  
LONG of Sherman  
THERIAULT of China

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-165)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-165)** 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-165)** in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-169)** on Bill "An Act To Promote Recycling Program Integration and Efficiencies"

(S.P. 498) (L.D. 1366)

Signed:

Senators:

SAVIELLO of Franklin  
BRAKEY of Androscoggin  
BREEN of Cumberland

Representatives:

WELSH of Rockport  
BUCKLAND of Farmington  
CAMPBELL of Orrington  
DUCHESNE of Hudson

HANLEY of Pittston  
HARLOW of Portland  
WHITE of Washburn

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

Signed:

Representatives:

CHIPMAN of Portland  
MARTIN of Eagle Lake  
TUCKER of Brunswick

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-169)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-169)** 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-169)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Repeal the Certificate of Need Requirement for Hospitals"

(S.P. 264) (L.D. 734)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-167)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

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

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-167)**.

**READ.**

Representative GATTINE of Westbrook 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. 157**

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce J, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, 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, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney M, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dion, Higgins, Hobbins, Kinney J, Lockman, Malaby, Noon, Pierce T.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located"

(S.P. 399) (L.D. 1130)

Signed:

Senators:

BURNS of Washington  
JOHNSON of Lincoln  
VOLK of Cumberland

Representatives:

HOBBS of Saco  
EVANGELOS of Friendship  
GINZLER of Bridgton  
GUERIN of Glenburn  
HERRICK of Paris  
McCREIGHT of Harpswell  
MONAGHAN of Cape Elizabeth  
MOONEN of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-180)** on same Bill.

Signed:

Representatives:

SHERMAN of Hodgdon  
WARREN of Hallowell

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

On motion of Representative MONAGHAN of Cape Elizabeth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing the Concealed Handguns Permit Application"

(H.P. 359) (L.D. 535)

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro  
CHENETTE of Saco  
DAVITT of Hampden  
GERRISH of Lebanon  
LAJOIE of Lewiston  
LONG of Sherman  
THERIAULT of China  
TIMMONS of Cumberland  
WARREN of Hallowell

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

Signed:

Representative:

NADEAU of Winslow

**READ.**

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

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

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Empower Parents in the Education of Their Children by Allowing an Opt-out from Standardized Assessments"

(H.P. 471) (L.D. 695)

Signed:

Senators:

LANGLEY of Hancock  
EDGEComb of Aroostook

Representatives:

KORNFIELD of Bangor  
 HUBBELL of Bar Harbor  
 MAKER of Calais  
 POULIOT of Augusta  
 STEARNS of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-295)** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick  
 FARNSWORTH of Portland  
 McCLELLAN of Raymond  
 PIERCE of Falmouth  
 TIPPING-SPITZ of Orono

**READ.**

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

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

Representative **KORNFIELD**: Thank you, Mr. Speaker, this bill asks for two things. One is for parents to be notified that they may opt out of statewide exams and it also, the amendment on the Minority Report also allows teachers to discuss this, the opt-out option, with parents.

First of all, I'm against this bill because parents already have the right to opt out. Second, I am very concerned; the MEA is for this bill, and I am taking an opposite position even though I am a teacher and I'll explain why. It is the school board and the superintendent that make policy. Teachers do not make policy. There is a consequence for opting out of the exam. Schools have to have 95 percent participation in order to get federal aid, and it could mean that federal aid is taken away from that school district, and the school district needs to make the policy. The school board and the superintendent needs to make the policy around opting out. Teachers do not make policy. And teachers should be referring any parent talking about opting out their child, they should be referring that parent to the principal or the superintendent, not discussing that option with them.

And the reason that I say that is because I think it puts a teacher in jeopardy, discussing this opt-out option with parents, because it may be perceived, and please don't take this wrong, no teacher would do this deliberately, but it may be perceived that the teacher is suggesting that that child opt out in order to change the result of the exam. So I think, I think this puts teachers in jeopardy.

So, parents already have that right. I think teachers should not put themselves in jeopardy, and I think it's a policy decision by the local school board and the principal. Thank you very much.

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

Representative **McCABE**: Thank you, Mr. Speaker and Men and Women of the House, I rise respectfully, but opposed to the current motion. Opposed to the current motion, not because of my status as an elected official, not as status of being in this corner, but rather two really important issues. Those issues being the spouse of a teacher who frequently, at 10 or 11 o'clock at night, takes a break from correcting papers to respond to

parents' concerns about their children via Facebook, via email, via text message. Really, based on the fact that my wife cares so much about her students, cares about her students beyond test scores, and cares about the path for them moving forward, and cares about that relationship that she has with those parents and those parents' ability to make the appropriate decision for their children.

My second reason for rising today is as the parent. Many of you have met my children. Many of you have seen them in the hallway. Many of you have watched them grow as I've served here in the House. Many of you are Facebook friends—you see our daily activities. And my children are very different. They are six and nine. My six year old loves school, loves everything about school, and will do anything his teacher says. My nine year old is very strong-willed. Watch out Maine, she's going places. But she struggles. She struggles with anxiety and she struggles with going to school. I was excited today to see, they had field day, someone sent me some pictures. She seemed to be enjoying herself. But, for us as parents, for my daughter as a student, one of the most stressful things she's had to do since she's been born was actually taking a standardized test and it's something that probably as parents, we may have opted out. We may have opted out if we felt there wasn't going to be pushback and that there wasn't in some way going to be a penalty—penalty for my wife, penalty for my daughter's teacher—and that there was options, something that she could do other than sit in a classroom and be penalized because she is not a student that does well with standardized testing. So, I respectfully oppose the motion before us and I hope that people will follow my light on this issue. So thank you Men and Women of the House.

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Representative McCABE of Skowhegan assumed the Chair.  
 The House was called to order by the Speaker Pro Tem.

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker, Ladies and Gentlemen of the House, I don't often find myself on an opposing report from my chair or on the same report as the Representative from Raymond, so this is a bit of an odd day for me. But, I rise to speak against the pending motion.

I think there are a number of issues at play here. I think it's important for open lines of communication when issues get tough. There are serious consequences for schools that do not reach the 95 percent participation rate of standardized tests. We don't know exactly what those consequences are, but we know we will start seeing them very soon.

I support parts of the initial bill and I am going to be voting against the pending motion so that we can see the amendment on the Minority Report because I think it's important to keep lines of communication open when there's conflict. The current approach is an icy bureaucratic silence and what that results in is the people who have the biggest concerns around this problem controlling the debate in many school districts across our state. I don't think that's the proper way to approach this issue and I think we should protect teachers who want to speak to fears that are currently held by parents by being able to discuss literature put out by the Department of Education or their local school department. So, I ask that you vote down the current motion so we can begin talking about the Minority Report. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, and I will share with the previous speaker my amazement that I'm on a report with him as well. And Mr. Speaker, to follow your lead, I'll be transparent. My wife was a special educator. She was a principal and now she's an assistant superintendent, so we have some interesting discussions late in the evening sometimes.

And I'm up against the motion as well, Mr. Speaker. I supported the Ought to Pass as Amended simply because I wanted to make sure this bill got to the floor. I believe this bill was on, what many of us call, the "Common Core Day," the day we were in Education from like 9 am, earlier than that probably, and went past 7:30, had, I think, 12 bills that were all kind of in this area. And we heard, in some cases, we heard of schools that were not telling parents when they were asked that they had this right. That was concerning.

And so, as I said, Mr. Speaker, there were a lot of people in that room that day and I think many of them felt disenfranchised. And, to be honest, after the bill we saw the other day on Frye Island, where I believe this body disenfranchised people by not giving them a vote, I'm even more empowered to stand up today and fight for these people that are supporting this bill.

Now, in honesty, parents do have this right. The Supreme Court, I guess has, there's been cases, parents do have the right to opt out, but we all know, these days, people don't always know what their rights are. Conversely, as I think it might have been said already, the federal government tells our schools individually, "If you don't get 95 percent attendance at these assessments tests, then you could lose federal funding." And I don't know that it's ever happened, but it's out there. So, that's my biggest concern, is we're telling people they have local control and they have rights, but if you actually use them, you might get slammed with funding. I think that's a big problem.

And, my signs when I run for office, Mr. Speaker, say "Local control." They actually say "Local control." I'm for local control. And my biggest learning in this debate, in the committee that day, was you don't really have local control. The Department of Education stood up and gave us feedback and gave us guidance on this issue and more than one time our Department of Education said we can't impact that because the federal government could slam us if we do. Is that local control?

So, I think the reality is we probably need to go in this direction, but it doesn't make sense to me and I just wanted to make sure we all understood that. And as I sit down, Mr. Speaker, I think of a statement I heard Bill Cosby make years ago when he was talking about being a leader in his own house. And he said, "I'm not sure when I lost my leadership. I'm not sure I ever really had it." And I think that's the situation we're in, that we have really forfeited a lot of our local control and I just wanted people to hear that today. Thank you, Mr. Speaker.

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

Representative **MAKER**: Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, who has more power over your children: the federal government, the state, or you, yourself? My feeling is, if I knew my child was suffering in a school system because of the test, there would be no one that would influence my vote of taking that child out of that school. I believe parents have that right. We do not need a law. If anything, this really published it all over the State of Maine so that parents did know their right and even if it wasn't legally their right, I have that right as a parent. We don't need a law.

In regards to the part about the teachers being able to be able to tell parents, I agree with the good Representative from Bangor. That that could be a problem in itself with someone, by error, saying something they shouldn't be saying. And if we don't believe in our school boards locally, let's do away with them. Let's do all the laws for this school. That what we should be doing. Schools don't know any better. They're not going to tell the parents. They're not going to tell the teachers. Then let's just do away with school boards and let's make all the laws for the school through the State of Maine.

The 95 percent completion rate is a federal law. Contact your Congressman and Senators. Tell them we don't want that law. We, the state, cannot do anything about it. So, Mr. Speaker Pro Tem, I would hope that you would follow my light and not create a bill that we can't control. Thank you.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. This bill is an important measure to protect teachers, parents, and students. And I hate to disagree with my amazing Committee Chair, and I'm currently risking getting one of her renowned "Mrs. Kornfield looks," but I rise to join the good Representative from Raymond and also my fellow colleague, the good Representative from Orono.

The Minority Report really only does two simple things. One, it requires the Department of Education to annually produce a document clearly outlining federal and state laws and judicial decisions related to a parent or guardian's right to opt students out of statewide standardized assessments. The document would need to be posted on the Department's website and shared with local school districts. Next, the bill protects educators by saying that educators may discuss with parents their rights to opt out using the information provided by the Maine Department of Education or their local school district policy.

This bill does nothing about saying that teachers are making policy. In fact, what it does is it empowers teachers to be able to talk with parents and students about their local policy and about the state policy. One of the things we've heard time and time again in the Education Committee is that there's a lack of communication between our local, our state, and our federal levels. And the way I see this amended bill working is sort of providing that pipeline to provide clarification on a very emotional and personal subject that we've seen.

All of us in our district have probably heard about what happened with the recent roll out of the Smarter Balance Testing Consortium. To be blunt, it was a little bit of a disaster and it wasn't clear what everyone was required to do. We've heard comments from the federal government that if our schools don't meet 95 percent testing there will be ramifications, but there's been no clarification from the feds about what that would look like. And it's been hard for teachers to know what to do when their administrations have been struggling themselves on what they should allow their teachers to do. This would make an easily accessible, clearly legible document available to all schools, parents, educators, and students every year that would make sure that if there's a change in the law regarding opt-out or funding or standardized testing, that that would be dictated on this website or in this document.

It is a federal law that we've heard about around the percentages that we need for students to be taking tests, but the thing is they haven't said what's going to happen. And currently in front of Congress, we don't know what they're going to do, but there are several bills amending that.



But why I think this bill is so important is because we need provide educators the right to be able to talk about the policy. In various districts throughout the state I've heard horror stories from teachers who have been threatened, who've been reprimanded by their administration, by others, by school boards, for simply telling their fellow teachers and parents that they had this right to opt their student out. That opt-out does not need to be codified in law. That's why we amended the bill. But really, this just makes it clear so that everyone can find out what their rights are and what the state and federal laws are. I urge you to follow my light.

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

Representative **STEARNS**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, really two parts to the bill. One's a communication piece allowing, or supposedly allowing, teachers to be able to talk and communicate. And the other piece has to do with the parents' right to opt out and that is clouded a little bit, or influenced a lot by federal money.

Let me tackle the teacher communication piece first. Having a bill to give teachers a right to communicate about the ability to opt out would assume that teachers do not have the ability to talk to people about anything they feel like talking about at any time, which they do. This is an emotional item based on Common Core/Smarter Balance testing that has been sweeping the country; it's not isolated just to Maine. Let me give you an example. If a teacher in a school system wrote down or sent out a memo to parents, or an email, and said you know, "You don't really need to be here the last day of school. We don't do anything." They would be exercising their ability to communicate. However, there may be a consequence as an employee. You know, the principal may come down and say, "Listen, that's not helpful to our organization. We had specific activities planned, we had a meaningful assembly that was going to take place, and even though you don't feel that it's that important, your communication is out of bounds as an employee here. That's not in our policy handbook. It's not the way we do it."

So, if we're going to give, through legislation from the state, teachers the right to talk to parents about getting out of a test, we're going to have to look at every single thing—the thousands of conversations that occur between teachers and parents across the state—and give them the right to do that on every single topic that there is. And I think that's ludicrous. Let's not take a couple of examples that were wrong, if they occurred, where someone was reprimanded for giving honest information because an administrator didn't know the law and didn't know the rule and didn't react properly. That's a bad thing. But let's not, as my good friend, Representative McClellan, has stated, we don't need the federal government telling us what to do, nor do these local school systems need the state government telling them what to do.

On the other side, regarding the opting out piece, parents do have the right to opt out. I know that from reading the newspapers that that was not expressed clearly to them. As a matter of fact, it was told to some folks in the state, this last round of testing, "You don't have that right." Well, again, that's bad information given by a person that shouldn't have given it. Those things need to be dealt with at the local level. That's poor performance.

When we talk about the funding being tied to the testing, that's absolutely correct. Remember that the funding goes to the local school systems. All that title money goes to local school systems. The state, the Department of Education, is the gatekeeper for the funds. But it's the local superintendent of schools that signs his or her name on the line saying, "In order to

receive these funds, we will comply with the following things. One of which is 95 percent or more of the students will sit for the exam." I hate that. I don't like the Federal Department of Education. I like the money. And we are beholden to that sometimes.

So, what you'll see on the high school level is what you'll see, in my opinion, are policies popping up this summer before the fall saying in order to graduate from XYZ High School, one of the requirements is that you must sit for all examinations. And the local people do have that right. And a person could still opt out and you'd be out of the task, but you also wouldn't get a diploma. That's a bad situation all the way around, not good for parents, they're stuck between a rock and a hard place, but I see that coming. A long-winded way of saying that we do not need this piece of legislation; folks already have those rights. We need to ensure at a local level that our people are communicating clearly as to the consequences of using those rights. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker, I actually do rise today, and I rise in opposition to the pending motion. I do so with respect, and I know we say that a lot, it just isn't this side, we all respect all of our committees. We all do. They all do great work. And this committee, Education Committee, did great work on both sides of it. It's not a clear-cut issue. Both sides, both Reports if you will, bring up valid, compelling points.

Local control, just like beauty, in some cases, in all cases, is in the eye of the beholder; how you define it and whatnot. So I think everybody here is, on this one issue, defining it a little differently. I know the other day in State and Local Government, we had a few folks coming to talk about a convention of the states and while this is not that, I can see down the road, we're going to have a cavalcade of petitions, petitioning the federal government to do this and do that.

This is, sort of, preemptive. We can do what we're doing here today and reject the current motion and get the conversation started on the go from there and we can do what we need to do there, and sort of preempt more and more and more runaway federal government because it is a real issue. And there are some paradoxes. There are some hard, difficult choices, and I've been caught in the middle of them; I think we all have. And this is one that I think we need to reaffirm the parents' rights. And I will say, and this is a compliment for the Representative from Calais, not everybody is as strong as her or as determined as the Representative from Bangor. Not everybody is and we need to reaffirm the parents' rights, and the teachers and the local schools who are kind of hauled along for the ride, if you will. So, I thank you, Mr. Speaker. My leg is giving out so I'm going to sit down.

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

Representative **SIROCKI**: Thank you, Mr. Speaker Pro Tem, I would just like to share a piece of testimony that was provided on this issue from a constituent of mine to highlight the importance of this.

"My name is Susan Morrison and I live in Scarborough. I support LD 695. My personal experience is this: after choosing to opt my 11th grade honors students out of the MEA testing by calling the Scarborough High School Guidance Department, as was indicated in the first notice of testing I received in late January 2015, several weeks later my daughter was told to report to Guidance where she was informed there was no opt-out for the MEA, and that she must choose a date for testing." And I'm going to skip through this long testimony to the end.

Her husband ended up calling the Assistant Superintendent, and she confirmed to her husband that, "the school attorneys had been playing catch up on their research, and yes, accommodations would be made for their daughter to opt out of the MEA testing." And, she had been given the run around, and in conclusion, "There are a multitude of reasons for our decision to opt our daughter out of the MEA test, which I would be happy to share with any and all committee members. However, the point of this email is that, as a family, we were given the run around by the Scarborough School Department because we knew our rights and either they did not want us to exercise our rights, or they truly did not know our rights. Either way, a clear explanation of the opt-out- policy must be given to parents in order to protect our legal rights as parents, so we may choose the best option for our child." Thank you.

The SPEAKER PRO TEM: 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 in opposition to the pending motion. I happen to be very terrible at taking standardized tests. I happen to be very good at taking regular tests as in the classroom. I happen to be a remarkably good student, but unfortunately, standardized tests don't operate the way that my brain tends to operate.

Sounds to me, from what I'm hearing, that we require a 95 percent participation rate or we lose money at the federal level. If I'm wrong, please correct me. And so it seems like it's inconvenient to allow parents to know that they have a right to allowing their children to opt out of these testing opportunities. So, it sounds like we're preventing teachers from being able to allow parents to know that information simply because it might mean less money for the school systems.

I thoroughly support funding school systems, but I also think that parents have a right to know what their rights are as it relates to their children and their children's education. And if these school tests cause problems for students—I always felt terrible if I didn't do so well on these tests. I felt like it reflected on me, as a student, and that I wasn't good enough, and A. that wasn't true, and B. I don't think that's the message that we should be sending to our kids. But fundamentally, it sounds like we are in conflict because parents who know that they can opt out, might then choose to opt out, and if we have a high percentage of parents who ultimately choose to opt out, that means that on the other side we might end up losing funding. So it sounds to me like we are preventing parents from having the information they need because it might end up being inconvenient for us on the funding side.

I don't think that that rises to the level of a good enough reason to prevent parents from having the information that they need. And we all know that the best source of information about children and their educational opportunity is at the teacher level, and I, for one, would like to make sure that our teachers are empowered so that our parents are as well. So, I will be voting in opposition to the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker, Women and Men of the House, I rise in opposition to the pending motion. Let's ask ourselves, who knows what is best for an individual student? It is not us in the Legislature, it is not an administrator sitting in an office outside of a classroom, it is not a bureaucrat in the Department of Education. It is that student's parent and it is that student's teacher.

Parents do, as we've heard today from multiple people, have the right to opt their children out of standardized testing. Two

Supreme Court cases guide and affirm this right. But we have seen, here in Maine, great inconsistency when parents exercise that right or when teachers suggest it. In fact, parents have been told, as the good Representative from Scarborough mentioned, that their child is required to take a test when they request to opt out. And, teachers and educators have been threatened with discipline for even mentioning that a parent has the right to opt out.

Mr. Speaker, across the nation, schools, school districts and even in some cases—Delaware, Hawaii, and Georgia—states are considering opting out of statewide standardized tests altogether. If we clearly outlined federal and state laws as well as judicial decisions pertaining to this, if educators were able to discuss this with parents, then all of us would be better off. Let's not contribute to this confusion anymore. Instead, let's provide clear guidance to parents, to educators, and to school districts. Thank you, Mr. Speaker, and I request a roll call.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I won't repeat the points that have already been made, but I, too, rise to speak in opposition to the pending motion and I'd simply like to tell you an anecdotal stories.

A couple of months ago, I began receiving a lot, quite a lot, of email messages, we all do that, that were very similar, but they were coming from junior high school students that said, "Why do I have to take this test?" And, I was surprised that suddenly I began to receive so many of these, so I raised a question with the school: Did they know something about what was going on? The school principal had no idea what was going on, but I knew her fairly well. She said she would find out and let me know.

It turned out to have been a civics class experiment at the junior high school level, and the school, when they let me know about this, said they'd be sure that I didn't get any more emails bothering me. And I began to worry about that because, you know, if people want to contact us about things that are going on in the Legislature and elsewhere, there shouldn't be any repression of that. And so, as I thought about it more and more, I said, you know, I don't think that's a good idea to tell these students and their teachers not to be in touch with me. So, that experience persuaded me that I should vote against the pending motion. Thank you for your time and attention.

The SPEAKER PRO TEM: 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. 158**

YEA - Black, Blume, Chace, Chapman, Corey, Devin, Duchesne, Edgcomb, Fecteau, Fowle, Fredette, Frey, Gillway, Ginzler, Grant, Grohman, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lajoie, Luchini, Lyford, Maker, Marean, Martin J, Mastraccio, McElwee, McLean, Nutting, Parry, Peterson, Pickett, Pierce J, Pouliot, Powers, Prescott, Rotundo, Rykerson, Stanborn, Schneck, Seavey, Shaw, Short, Skolfield, Stanley, Stearns, Sukeforth, Theriault, Turner, Wadsworth, Wallace, Wood.

NAY - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Brooks, Bryant, Buckland, Burstein, Campbell J, Chenette, Chipman, Cooper, Crafts, Daughtry,

Davitt, DeChant, Dillingham, Doore, Dunphy L, Dunphy M, Espling, Evangelos, Farnsworth, Farrin, Foley, Gattine, Gerrish, Gideon, Gilbert, Golden, Goode, Greenwood, Guerin, Hamann, Harlow, Hickman, Hilliard, Hobart, Hogan, Kruger, Long, Longstaff, Martin R, McCabe, McClellan, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, O'Connor, Picchiotti, Reed, Russell, Sanderson, Saucier, Sawicki, Sherman, Sirocki, Stetkis, Stuckey, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Warren, Welsh, White, Winsor.

ABSENT - Campbell R, Dion, Hobbins, Kinney J, Lockman, Malaby, Noon, Pierce T, Mr. Speaker.

Yes, 62; No, 80; Absent, 9; Excused, 0.

62 having voted in the affirmative and 80 voted in the negative, with 9 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-295)** 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-295)** and sent for concurrence.

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Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-294)** on Bill "An Act To Allow Secondary Schools To Grant Certificates of Academic Proficiency"

(H.P. 587) (L.D. 853)

Signed:

Senators:

LANGLEY of Hancock  
EDGECOMB of Aroostook  
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
HUBBELL of Bar Harbor  
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:

Representatives:

MAKER of Calais  
McCLELLAN of Raymond  
PIERCE of Falmouth

**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-294)** 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-294)** and sent for concurrence.

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Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-288)** on Bill "An Act To Establish the Municipal Gigabit Broadband Network Access Fund"

(H.P. 818) (L.D. 1185)

Signed:

Senators:

WOODSOME of York  
HILL of York  
MASON of Androscoggin

Representatives:

DION of Portland  
BABBIDGE of Kennebunk  
BEAVERS of South Berwick  
DeCHANT of Bath  
GROHMAN of Biddeford  
HIGGINS of Dover-Foxcroft  
O'CONNOR of Berwick  
WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-289)** on same Bill.

Signed:

Representatives:

DUNPHY of Embden  
RYKERSON of Kittery

**READ.**

Representative BEAVERS of South Berwick moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative HIGGINS of Dover-Foxcroft **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 PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to present LD 1185, An Act To Establish the Municipal Gigabit Broadband Network Access Fund. Try saying that twice. I want to express my appreciation to all of the members of the House. I've had an opportunity to meet with nearly everybody here and hand out that blue sheet on the broadband providing you information.

In all of the conversations, all of the conversations, there's an understanding and appreciation that we need to increase broadband speed and capacity here in the State of Maine. The reasons are many, but primarily it's about economic development and making sure our state is competitive in the national and international marketplace. There are benefits for education, telemedicine, senior citizens living at home, government services, and on we could go. But it's really about the economy of Maine.

And there are some things that we know. We know that 82 percent of the jobs nationwide are created by small businesses. We also know that 50 percent of those jobs are created by people who are under 35 years of age. It reminds me of the ad at the Superbowl with Katie Curic and Brian Gumble, who sat in the front seat of the car 21 years ago and they were having the conversation:

*"What about this internet thing? What do you think will happen to it?"*

*"Oh, it's probably a fad."*

Well, we know that's not a fad and we know that those folks who are under 35 years of age who'll be creating jobs have grown up in an internet age. They expect that as a primary part of infrastructure. The *Bangor Daily News* in a survey requesting ideas to grow Maine, internet speed was number two. The *Portland Press Herald*, about two weeks ago, surveying businesses that actually created jobs in Maine last year asking what key factors were: workforce development is one, high-speed internet is two.

So, where are we in Maine? How are we stacking up? Well, in the nation, the United States is ranked 15th in terms of broadband speed in the world. Maine is 49th. Think about that: 49th. The Heritage Policy Foundation printed a report and put it on our desk here a couple weeks ago and in terms of development of private sector job growth, Maine's also 49th. Bloomberg.com was here last year, last summer, and their assessment, as they reported, which we didn't like all that much, is that broadband speed in Maine is the equivalent of a third world country. How can we be competitive in those situations? And what is the rest of the nation doing? Kentucky is investing \$300 million, New York \$500 million. Massachusetts has already committed \$40 million for western, rural Massachusetts, and recently just announced another \$50 million. And Wyoming, which happens to be 50th, is investing \$25 million.

I asked the Commissioner of Finance how much money we had in the biennium budget. He told me I couldn't find it. I think I'm pretty good as finding money in the budget. The reason I couldn't find it is there is no money in the biennium budget. Maine is the only state I know of that is not investing any state funds and pushing this agenda forward.

So our response: done what we can. ConnectME has increased the minimum speeds that we should expect to 10-10: 10 megabits up, 10 megabits down. What percentage of Maine's population meets that standard? 12.3 percent. So the question really becomes, the other point I wanted to point out is my good friend here, Representative O'Connor's always telling me to, "find the externalities." And she's right. We need to find the externalities.

The Chief Executive's Broadband Capacity Building Task Force made a report in December of 2013, about 18 months ago, called *The Road to Maine's Future*. It outlined recommendations, and we all know what happens to task force reports. We need to kick the dust off from that one and take another look at it. But this is what they concluded. A very prestigious group did this work. The impact in 10 years: would create \$945 million in new sales, 11 thousand new jobs, \$500 million in new income, and \$70 million in local and state taxes. And yet, we have not moved forward. But here in Maine, on the card I handed out, said we're really literally sitting on top of a possible answer. I don't think we want Maine to go from 49th to 47th or 42nd; I think our goal should be Maine should go from, essentially, worst to first or certainly in the top 10 would be a goal I think we should look to achieve.

Five years ago the federal government made a commitment to install what we call the 3-ring-binder. It's high-speed fiber optic

internet; 1,100 miles of it spans the State of Maine and has very limited usage, partly because there's a tariff or a fee on it. Now, on Monday we passed in here LD 465 that removes that 30 percent tax on the use of the 3-ring-binder. The Senators approved and the Chief Executive's informed me that he will sign that bill. But today, the 1,100 miles sits there, basically unused. It's a gigabit system and so I always struggle to try to explain what gigabit is. So, if the good Representative Campbell, from Newfield, will allow me, you know, we have these two old guys talking about gigabit the other day. And so I kind of explained it this way, the speed: if he, on a nice morning, was out on the lake paddling along in his kayak, he conceded he might go as fast as one mile per hour. I want him to know that if he hears a noise over his shoulder, that's me on my Jet Ski whizzing by at 50 miles an hour. And yet, at 10-10, a gigabit is 1,000/1,000. It isn't going 50 miles an hour, it's in fact going 100 miles an hour in comparison. That's the difference in the speed. It is generation proof. It is a system that is in place that we can tap into that's already there. Eleven hundred miles of it laying fallow. So, what's happening at the state level isn't all that promising.

But what's happening at the municipal level? You may have heard of towns like Rockport, Sanford, South Portland, Orono, Old Town, Greenville. Islesboro, in fact, just voted last week or the week before they're going to put fiber to every home on the island in Islesboro. And there are other communities as well that are looking at this whole issue: Ellsworth, Rockland are two others to come to mind. And why are they investing municipal dollars? Not any state dollars, not any federal dollars in most of these cases. Because they know in their communities, if they are going to move forward and be progressive and viable communities in the future, they need to create jobs, attract businesses, and bring people back home.

We talk about bringing young people, having our young people stay here. We talk about having our young people from out of state come here and invest. Those folks under 35 years of age who are going to create 50 percent of the jobs, do you really think they're going to come to a state that has very slow internet speed? I think we know the answer to that question.

So what does LD 1185 do? In short hand, you've all seen the card, I'm sure you've all read it so I won't spend a lot of time, jokingly. But, it establishes a \$6 million fund at ConnectME to provide for comprehensive planning for 25 communities and a competitive process. Communities would receive \$20 thousand, match it with \$5 thousand of local cash, and do a very intensive analysis of their communities involving all of the stakeholders, from senior citizens to the business community. And looking at what are the economic development goals of that community, and how does broadband get us there and develop a plan and become a certified broadband community? At which point, to apply for a \$200 thousand implementation grant matched with \$50 thousand of local money—cash, no in-kind, cash. To receive those sorts of funds, a community needs to invest in its own future.

And, a substantial component of the bill is an evaluation. We need to make sure our money is well spent.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Newfield, Representative Campbell, and inquires why the Member rises?

Representative **CAMPBELL**: To make a motion to move the question.

The SPEAKER PRO TEM: The motion is Out of Order at this moment. The Representative may proceed.

Representative **HIGGINS**: I'm nearly done, Mr. Speaker. Today, all you have to do is read the newspapers. Certainly the headlines and they portray us down here as in gridlock. It

appears at the end of the session, issues become very partisan. But I say to you today: that when we look at the future of our economy of Maine and the role that broadband can play in it, it's not a Republican issue or Democrat or an Independent issue. It's not a north versus south. It's not a liberal conservative. It's not small towns or cities. It's about every corner and area of our state.

So this day, as leaders of this state, let our voice be heard. Let us say to the voters that we talk to all fall in our campaign that raised this issue: We hear you. To our business community we say: We value you and we support you. And to our municipalities we say very simply: We trust you and we ask you to lead us forward. Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I ask for your support on LD 1185. Thank you.

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

Representative GROHMAN: Thank you Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I just would like to thank the good Representative from Dover Foxcroft for all his excellent work on this. Very receptive to back and forth in committee to produce better legislation. And I rise very much in support of this pending motion. Thank you.

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

Representative TUELL: Thank you Mr. Speaker Pro Tempore, I've wanted to say "Pro Tempore" for the longest time. Be that as it may, I'll be brief. I will also say that rural broadband is a huge issue. I know the Representative from Presque Isle had a bill on it earlier this session. I went and testified on that bill. The number of local businesses and parts of this state that are impacted, that are under served by lack of internet access or slow internet access is an economic detriment to rural Maine.

I would also quickly add that down in Washington County we have one of the more innovative companies in the state, Axiom Technologies. And the owner of that company, Susan Corbett, has come to this state from Massachusetts and transformed broadband in Washington County, in rural Washington County, and it's having an impact. So I will also be supporting this motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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. 159**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiaga, Lajoie, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, 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, Timmons, Tipping-Spitz, Tucker, Tuell, Turner,

Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Dion, Hobbins, Kinney J, Lockman, Malaby, Noon, Pierce T, Mr. Speaker.

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 Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-288) 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-288)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Align the Federal Affordable Care Act's Health Care Coverage Opportunities and Hospital Charity Care"

(H.P. 237) (L.D. 343)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-260)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

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

**READ.**

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Majority **Ought 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 PRO TEM: 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. 160**

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

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

ABSENT - Dion, Hobbins, Kinney J, Lockman, Malaby, Noon, Pierce T.

Yes, 77; No, 67; Absent, 7; Excused, 0.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Require Pharmacies To Provide Disposal Receptacles for Used Hypodermic Apparatuses"

(H.P. 315) (L.D. 476)

Signed:

Senators:

BRAKEY of Androscoggin  
HASKELL of Cumberland  
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook  
HAMANN of South Portland  
HYMANSON of York  
MALABY of Hancock  
PETERSON of Rumford  
SANDERSON of Chelsea  
VACHON of Scarborough

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

Signed:

Representatives:

BURSTEIN of Lincolnville  
HEAD of Bethel  
STUCKEY of Portland

**READ.**

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-287)** on Bill "An Act To Improve Child Care in the State"

(H.P. 674) (L.D. 977)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

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

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

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

**READ.**

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

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

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, I hope you know, I hope we all understand that comprehensive early care and education is essential for preparing Maine's children, all of Maine's children, for their future. Our understanding of child development has advanced rapidly in recent years. We now know that much of what a child will become is defined by as early as age three. The quality of experiences and the variety of the stimulus and support kids receive shapes them in permanent ways that will impact them throughout their lives.

Maine has a child care subsidy voucher program funded in part with federal dollars. That program allows low-income working parents access to vouchers to help pay for the cost of child care. It helps parents get into and stay in the work force while providing quality child care for their children. Child care is expensive, averaging more than \$150 a week throughout the state, and these vouchers help families make ends meet. But the benefits of quality child care extend well beyond the economic benefits to working parents. Quality child care assists children in learning and development in ways that benefit them throughout their life. As these children do better, all of Maine will do better.

In January of 2012, the Maine State Chamber of Commerce and the Maine Development Foundation released a report entitled "Making Maine Work: Investing in Young Children = Real Economic Development." The major recommendations of this report were: 1. Maine must improve access to quality early care and education; 2. Maine people must understand the benefits of

early childhood investment; 3. Quality early childhood care and education require adequate funding and resources. Mr. Speaker, we talk a lot inside and outside of this chamber about the importance of building a smart, highly trained workforce needed to build a stronger economic future for Maine. This report acknowledged that and stated that one strategy that can address these shortcomings and move the needle forward is a focused investment plan in high-quality early childhood development.

Unfortunately recent cuts mean that Maine is not budgeting enough money to fully draw down available funds. Currently about 2,500 kids are participating in this program but it we estimate about 50,000 kids are eligible; 2,500 participating, 50,000 eligible. Returning block grant funding to prior levels will allow more Maine working families to access vouchers. This bill would allow Maine to draw down an additional \$3 million in matching funds. We need to make this investment.

This bill will allow us to assist more Maine children to cope with life's challenges and be successful when they get into the workforce. That's the benefit now; the important short term benefit. Even more important, however, is that it will help Maine kids be productive adults in decades to come. And that's an investment that we need to make and an opportunity that we can't afford to squander. I hope the members of this chamber, Mr. Speaker, will support this. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, any time that we can support the Child Care Development Fund, that's a good thing. However, at this time, at this time we are currently meeting our maintenance of effort funding levels. We have no waitlist for this program. Maine currently has the highest child care eligibility in New England at 250 percent of federal poverty level. This bill asks for \$2 million from the general fund to continue to put into here. We have no specific needs to expand this at this time.

What I think is also interesting is right now, we are waiting to get the final assessment for a report that was done, a federal revised federal requirements that were done in November 2014 of the Child Care Development Block Grant. They are assessing that at this time. It looks like there is no need for more general funds to be able to meet the criteria that is going to be put forward after the new assessment, and if there is the Department will certainly let us know and we could reassess it then. But, with all these significant needs that we have and while we're debating a budget right now, and we all know that there are certainly other areas that are not being met, I would suggest that we vote Ought Not to Pass on this. Thank you very much.

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

Representative **PICKETT**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise today to speak in support of the pending Ought to Pass motion regarding LD 977. As a first-term legislator, I consider myself to be fiscally conservative. I don't like spending taxpayers' money. But what I like even less, and what I saw during my 39 years in law enforcement, is the cycle of generational crime. I arrested third and fourth generations of the same families. Ask any law enforcement leader across the state, and he or she will tell you that they have had the same experiences.

I have been very selective about the bills that I support. However, I also recognize that this program designed to improve child care here in Maine is a proactive measure to prevent future issues. Research clearly shows high-quality early care and education for the at-risk kids can not only reduce the likelihood of a child committing a crime later in life, but it also provides for a

greater cost savings to our communities and our state in the long run.

The Maine Child Care Development Fund is a federal-state partnership that provides supports to help low-income working parents pay for childcare, with a sliding scale of subsidy based on income. Here in Maine, only a small percentage of eligible families, currently under 3,000, receive childcare vouchers. Any investments made by the State of Maine are matched by the federal government at the current rate of nearly 2:1.

Statistics show that all parents of 69 percent of Maine children ages six and under are in Maine's workforce. The need for increased quality child care for these children is obvious. The bottom line is lower-income working parents need help affording child care so they can work—and we all, in this chamber, want as many able-bodied adults working as possible to help support their families and support Maine's economy. It is extremely important that child care be of high quality. High-quality child care experiences can increase school readiness for the children and also give the parents the peace of mind they need to focus on their work during their workdays.

Given these reasons, I am pleased to support the \$2 million request in this legislation for increased funding for the Maine Child Care Development Fund. And again, I would note that such funding would draw down nearly \$4 million in additional federal money for child care for the Child Care Development Block Grant. I believe this to be a small amount of money when compared to the \$380 million Maine taxpayers spend annually on less than 5,000 inmates and prisoners in our state prisons and county jails.

As a new State Representative and a former law enforcement leader, I'm pleased and I'm honored to speak here today for our youngest citizens—the ones who never testify in a committee room here under the dome. Please think about the challenges facing Maine children under the age of six years old who live in poverty or in a very low-income families. And please join me in supporting this legislation and follow my light. Thank you, Mr. Speaker Pro Tem. Thank you, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Battle.

Representative **BATTLE**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise today in favor of this bill. I ask you please to vote for it. It's the right thing to do. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Frey.

Representative **FREY**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Women and Men of the House, I rise today in support of LD 977 and ask that you also support it because it goes to folks who deserve access to quality child care. The purpose of this legislation is fairly simple. It provides additional state funding that will be used to draw down even more in federal funding to make sure that something happens that we really all want to have happen. And that is, make a real difference in Maine families' lives, both for the parents and the children, so that parents can work while children get access to quality, meaningful child care.

The CCDF combines, and frankly complements, a network of other state programming that's aimed at supporting families when parents are transitioning into the workforce—transitioning to financial independence. This network, of course, includes programs like Head Start and home visiting. The role of this particular program, the CCDF, is to provide access to child care vouchers so that children may have access to quality childcare while the parents are able to either obtain an education or enter

and stay in the workforce. In addition to the vouchers, the program does something else, because it's not just about making sure children have access to the actual time in child care, it's also about making sure that that child care they're receiving through the providers is also supported, as well as making sure that there are inspectors to provide inspections for these facilities.

Now, as we've already heard today from a number of different members in this House, quality child care makes a significant difference in children's learning development. This quality early care, as well as quality early education, improves not only a child's language and math skills, but it also improves the social development for these children. Long-term studies, as we've heard today, support that investing today in the short-term means real savings in the long term. And these savings include savings in education costs, healthcare costs, in our criminal justice system, and, quite frankly, it also makes sure that we have productive citizens who will pay their taxes and help support other programs in the future.

Now, as mentioned earlier, this program is not just about children. It's about the parents, making sure that while their children are receiving quality childcare, they're in the workforce, they are providing support for the economy, and more importantly, it's a stabilizing factor to allow them to remain in the economy. Now, additional expenses have recently been placed by the Legislature on the program. These expenses include a million dollars for new child care facilities inspectors. So, there is pressure on the fund right now. Additional funding that is requested in this bill would help support taking off that pressure. We've already heard, and I want to echo, that about 2,500 families have access to these vouchers today, but there are a number of families that could also benefit from having access to early quality child care and that's what this bill would do.

Now, I do understand that there's an argument that there is no waitlist, therefore no additional funding is necessary. I guess it's my understanding that there's a simple reason for that, and that is that the voucher system as it's working today is not working well. Families are often waiting up to 60 days before they even receive a voucher. In fact, it was fixing this program to make it easier to apply and easier to access, it's a program that's been adopted by all the members of the Health and Human Services Committee as part of the proposal to address the welfare cliff that we've heard so much about this session. That fix will lead to an increased demand for these vouchers, which is why it's necessary we make sure that the state and federal match dollars are available to support those additional requests.

So I ask that you support this Ought to Pass as Amended motion, recognizing that the value of having more child care vouchers for working families and the values of improved quality child care is important for all of our working families, both the parents and the children. So, thank you, Mr. Speaker Pro Tem, Women and Men of the House, and I'd also ask for a roll call.

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 PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Mr. Speaker, I guess I'm really puzzled. If the good Representative from Chelsea indicated that there are no waitlists and that we are already offering this program the highest rate in New England at 250 percent of federal poverty level, I'm not sure what problem we're trying to fix by allocating this additional funding when we have so many other very pressing issues. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker, Men and Women of the House, LD 977 seeks to strengthen one of the core components of the community infrastructure critical to supporting healthy families and raising strong and healthy children. It's a simple bill. It appropriates and allocates \$2 million in general funds each year over the next biennium to draw down the remaining \$3 plus million Federal Child Care and Development Block Grant funds still available to Maine.

I'm sure you'll remember, Mr. Speaker Pro Tem, that the Child Care and Development Block Grant is used in Maine to provide vouchers for low-income families on a sliding fee scale up to 250 percent of the federal poverty level. Lest you get too excited, I'd remind you that that, for a family of three, if about \$50 thousand and the cost of child care for infants is, on an annual basis, about \$10 thousand and for preschools about eight. So, do the math and it's a necessary support, I believe. That grant also supports a quality rating system and a quality payment "bump" for higher rated programs, which encourage providers to join a registry that's maintained by the department that supports their advancement and professional training in a way that improves the quality on the ground of the daily care for children—a good idea, I would add. The Block Grant also gets used to manage the voucher program, and we'll talk more about that in a minute. And also it maintains the Child Care Choices Website that the Department maintains to help parents evaluate and choose quality programming in their area. It also assures regulatory oversight and support of licensing and inspection activities conducted by the Department.

Mr. Speaker Pro Tem, we heard testimony in strong support of this bill from the Maine Women's Lobby, Maine Family Planning, National Association of Social Workers Maine Chapter, United Ways of Maine, Success By Six, Maine Children's Alliance, Mission Readiness - Military Leaders for Kids, and Fight Crime: Invest in Kids. And here are some of the things we heard: Lack of good quality child care is a barrier to good employment and it's bad for kids; No child care equals no work, or even worse perhaps, children left in bad places; Marginal child care results in worried and distracted workers and weak child development and more expensive future remedial program costs.

Mr. Speaker Pro Tem, more than one in five Maine children live in poverty and one in four children go to bed hungry. In a decent quality child care program, children are served two nutritious meals and a snack every day. We heard that in 2003, 3,100 families with 4,500 children were in the Child Care Development Block Grant program. Today, there are less than 3,000 vouchers, and in 2003 the combined program expenditure, state and federal, were almost \$32 million. Today, they're less than \$16 million.

The Department does say that there is no waiting list, but here's the rub, Mr. Speaker, we heard that in 2014 there were more than 36,000 working mothers in Maine with children under six years old, and almost 55,000 children under six needing child care. The average cost of infant care represented about 41 percent of the average income of a single parent—41 percent of the average income of a single parent. Pretty hard to climb up anywhere facing that expense. Given all this, Mr. Speaker Pro Tem, it's very hard to believe that only 3,000 out of over 50,000 eligible kids and their families want and need subsidized child care vouchers.

What we heard was that the voucher system is hard to find and even harder to use. And that's too bad because we also heard that high quality child care returns from \$5 up to \$9 for



every dollar invested. It reduces special education, corrections, and public assistance costs, and it increases taxes from higher adult incomes. We've heard from all levels of law enforcement that investing in high quality early care and education programs for kids in their first five years is one of the best crime reduction programs we have. As you heard earlier, we were told, Mr. Speaker Pro Tem, that the State of Maine spends \$380 million a year caring for less than 5,000 inmates in our prisons and jails. That's \$76,000 a year. So, if we kept one person out of that system, that would fund full time child care for almost 10 preschoolers. Mr. Speaker Pro Tem, LD 977 invests in good quality care for children and it's a smart investment in Maine's financial future, and an even smarter investment in our children and families. And they're our real future. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Mr. Speaker Pro Tem and Ladies and Gentlemen of the House, I have long been an advocate for early childhood education, having been an executive director of an agency that has provided that service for a great number of years. You know all of the information. You know the importance of the issues around brain development and the impact of those first five years. We don't need to recoup that.

What we do need to say, however, is that we talk about this time and time again and yet we never are able to sort of get over the hump and put our money where our mouth is. This is an opportunity to start that. It's not enough. We need to have universal access for early childhood education in this state. But at least this is a step in the right direction and I urge everybody to please vote for this particular bill. Thank you.

The SPEAKER PRO TEM: 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. 161**

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Herbig, Herrick, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pickett, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

NAY - Austin, Buckland, Campbell R, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Hanley, Head, Higgins, Hilliard, Hobart, Kinney M, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sirocki, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dion, Hobbins, Kinney J, Lockman, Malaby, Noon, Pierce T, Mr. Speaker.

Yes, 94; No, 49; Absent, 8; Excused, 0.

94 having voted in the affirmative and 49 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-287) 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-287)** and sent for concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-282)** on Bill "An Act To Create Transparency with Regard to Large Employers in the State with Workforce Members Who Receive Public Benefits"

(H.P. 902) (L.D. 1324)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
HEAD of Bethel  
PETERSON of Rumford  
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

MALABY of Hancock  
SANDERSON of Chelsea  
VACHON of Scarborough

**READ.**

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

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

Representative **SANDERSON**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, while the good Representative from Skowhegan probably had the best of intents while he submitted this bill, it is severely problematic. This bill seeks to ask every employer in our state with 50 employees or more to report to the Department of Health and Human Services, or rather have the Department of Health and Human Services reach out to these individuals to find out how many people on their payroll or in their employ are on MaineCare.

Not only are they talking about employees, they are asking about employee spouses, custodial parents, how many custodial parents' children are on MaineCare. Secondly, one of the biggest employers that we have in this state is the State of Maine. Do we want to know how many state employees? It's not carved out in the language of the bill, but that's problematic in

itself because the Bureau of Employee Relations would have to release every social security number for every state employee to be able to run it through the ACES Eligibility System to find out if, indeed, yes they were. I don't think that's appropriate. I urge you to vote against the pending motion. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker and Men and Women of the House, I love this bill. Its genius is its simplicity and its transparency. When some businesses we all know who won't hire full time employees so they don't have to pay for their healthcare have to disclose that their company's healthcare plan is, in fact, MaineCare, I'm thinking that other companies will begin to demand that they're low wage workers are covered by MaineCare, too. And then, before you know it, Mr. Speaker Pro Tem, we're well on our way to a universal single payer healthcare system in Maine. And if we can Dirigo, we're on to the whole country. I congratulate the good and honorable Representative from Skowhegan on his brilliance and his panache. Thank you, Mr. Speaker Pro Tem.

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

Representative **HYMANSON**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, I rise and ask you to support the Ought to Pass vote before you. LD 1324 will require employers who have 50 or more employees to answer how many employees are on MaineCare at public expense. How many are offered health insurance? What is the cost to the state of providing MaineCare benefits for the employers, employees, and enrolled dependents listed as total cost and per capita cost.

Today is June 5th. On June 4th, 1912, the first minimum wage law in the nation was enacted in Massachusetts to quote, "supply the necessary cost of living and to maintain the workers in health." End quote. Then, in 1936, the Supreme Court decision of the United States *West Coast Hotel Company vs. Parrish* addressed the question of the constitutional validity of the minimum wage law for women. This is part of the majority opinion of the court led by Chief Justice Charles Evans Hughes during the Depression. Excuse me while I fire up my thing here. This is a quote from the decision: "The exploitation of a class of workers who are in an unequal position with respect to bargaining power and are thus relatively defenseless against the denial of a living wage is not only detrimental to their health and wellbeing, but casts a direct burden for their support upon the community. The community is not bound to provide what is, in effect, a subsidy for unconscionable employers."

LD 1324 will require employers who have 50 or more employees to answer how many employees are on MaineCare at public expense. I ask you to support the Ought to Pass vote before you. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Melaragno.

Representative **MELARAGNO**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise in support of this motion. This bill is about shedding light on how the taxes of the people of Maine are spent. It's important that there is transparency around how much of their hard earned money is being used to subsidize employers, employers who do not pay their workers enough to live on. These workers, in turn, must rely on public assistance, or welfare, to attempt to make ends meet.

This bill is also about improving the lives of workers living in or near poverty. The prevalence of poverty wages and income inequality in our society is one of the most overlooked civil rights issues of our time. Women and people of color are

disproportionately represented among these workers. More and more wage employees have to rely on public assistance, or welfare, to attempt to make ends meet. In fact, here in Maine, as our economy gradually recovers, there are more people in the workforce, but more of those workers are living in poverty.

As legislators, we have the power to improve the lives of poverty stricken Maine workers. We have the power to do that. Requiring more transparency regarding workers being forced to rely on public assistance is one small but important way we can start to do that. In shedding light on this issue, we will be able to evaluate the impact that subsidization of low-wage employers has on the tax burden of already struggling Mainers. I respectfully ask my colleagues to vote with me to support this measure. Thank you, Mr. Speaker Pro Tem.

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

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

The SPEAKER PRO TEM: 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. 162**

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

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

ABSENT - Campbell R, Dion, Hobbins, Kinney J, Lockman, Malaby, Noon, Pierce J, Pierce T, Pouliot.

Yes, 76; No, 65; Absent, 10; Excused, 0.

76 having voted in the affirmative and 65 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-282)** 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-282)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Establish the Office of the Inspector General in the Department of Health and Human Services"

(H.P. 918) (L.D. 1349)

Signed:

Senators:

BRAKEY of Androscoggin  
HASKELL of Cumberland  
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook  
HEAD of Bethel  
HYMANSON of York  
MALABY of Hancock  
PETERSON of Rumford  
SANDERSON of Chelsea  
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-283)** on same Bill.

Signed:

Representatives:

BURSTEIN of Lincolnville  
HAMANN of South Portland  
STUCKEY of Portland

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-284)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit the Denial of Equal Rights Based on the Sex of an Individual

(H.P. 408) (L.D. 584)

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

HOBBS of Saco  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MONAGHAN of Cape Elizabeth  
MOONEN of Portland  
WARREN of Hallowell

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

Signed:

Senators:

BURNS of Washington  
VOLK of Cumberland

Representatives:

GINZLER of Bridgton  
GUERIN of Glenburn  
HERRICK of Paris

SHERMAN of Hodgdon

**READ.**

Representative MONAGHAN of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **RUSSELL**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, they say that while Fred Astaire got much of the credit for dancing, it was often overlooked at Ginger Rogers did everything Fred did, she just did it backwards and in high heels. Like most people, I've spent most of my life, and even much of my political career thinking that Maine women and men were treated equally under the Maine Constitution. By now, we are all aware that in 1974, Maine became one of the states that ratified the National Equal Rights Amendment, known as the ERA. The ERA fell short by three states. To this day, the US Constitution does not have an equal rights clause, even though when it helps set up other democracies it expects that that be part of a new constitution for other countries.

When looking ahead, however, I've also learned it's also important to look back at your history. The more we understand our history, the more we can make informed decisions about our future. So, let me give you some key dates for Maine history. In 1821, the Maine Legislature passed a law requiring the consent of a parent or guardian in order for a woman under the age of 18 to marry. In 1844 the Maine Legislature passed an Act granting married women the right of holding their own property. In 1854, the Maine Legislature passed an Act giving married women rights to their own wages. In 1872, the Maine Legislature rejected a bill for women's suffrage, and in the following years continued to vote down all other suffrage bills including those limiting women's right to vote to municipal elections. In 1874, a law was passed requiring the certification of at least two respectable physicians before a Maine resident, women included of course, could be committed to a mental asylum. This is important as male spouses who couldn't get a divorce were using the asylum as a way to absolve themselves of marital vows, leaving women in the asylum.

In the lead up to the suffrage movement, organizations were formed opposing suffrage. According to the Maine Historical Society, a 1915 Maine Association Opposed to Suffrage for Women publication noted the following: Quote, "Opponents of suffrage believe that political life with its antagonisms, its jealousies, its excitements, its strivings, would be inimical to the repose of life, which is essential to women's nature, if she were to bring the task that poise of nervousness and physical strength which insures the best development of the race which she bears." In short, because we are mothers, we should not be in political life. In 1917, the Legislature put a woman's suffrage amendment on the ballot where it lost 38,000:20,000.

Women would not get the right to vote until 1920 when the US Constitution was amended. In 1923, the first woman was elected to the Maine State Legislature, Dora Pinkham of Fort Kent. In 1963, Mainers ratified the Anti-Discrimination Act that prohibits discrimination against any person. One would think that would be that. Discrimination would be a thing of the past. I believe that was assuredly the intent. However, after the national ERA failed, the Maine Legislature sent its own ERA, after which this Resolution before you is worded, to the ballot box assuming that it would easily pass with the strong movement nationally. On the ballot in 1984 it failed. It failed by a lot. 195,653 Mainers voted in favor of equal rights for men and women, while 333,998

voted against it. No attempts have been made since. Not one time since 1984 has the rights of women and men's equality been put to the ballot box.

Let me share with you a few modern statistics since that time:  
1. Women still make less than men. The pay gap between women and men has certainly narrowed over the past few decades, but there is still a pretty big difference between the salaries of the men and those of women. Some of that may have to do with career choices women make up to help balance motherhood, but even when those factors are removed, women still often make significantly less than their male counterparts—a gap that amounts to 10 to 20 cents less for every dollar a man earns. Over a lifetime, that can really add up. Right here in Maine, 70 percent of our minimum wage workers are women. Furthermore women in Maine earn 78 cents for every dollar of their male counterparts. These figures directly impact our ability to save for retirement. If we earn less while we are working, we will be less prepared to retire with dignity.

On the upside, women hold as many jobs as men. Women were once a rarity in the workplace, and even in the US, many men begrudged women for taking jobs they thought belonged to them. Yet, as of 2010, women made up about 50 percent of the workforce, an average across all industries. This is impressive progress and it should be celebrated, but as you'll see from my next statistic it is also important which jobs women are working, not just that they have jobs, when it comes to equality.

Overall, women's employment is more insecure, part time, and temporary. One of the factors that may account for why women make less than men is that women's jobs tend to be more unstable and aren't always permanent. This movement in and out of the workforce can cause salaries to take a hit and make it difficult to achieve higher positions. This also places women in a precarious position, making it more difficult to switch to more permanent positions, care for families, or support themselves.

Women are also less likely than men to make it into the higher upper echelons of management. Women are increasingly taking on management roles in business, but still lag far behind men when it comes to the distribution in top leadership positions. Just 13 percent of board members across this country are women and fewer than three percent of Fortune 500 companies are run by women. These numbers are higher than they have ever been before but they are still far from impressive. A report from Catalyst reveals that just 4.1 percent of the top earning officers in Fortune 500 companies are women. Even though women-owned firms represent an estimated 28 percent of all businesses in the United States, their firms have obtained a mere 2.9 percent of the \$235 billion in federal government contracts awarded. That was a 2002 statistic. This is still short of the five percent goal Congress established in 1994 and why they're not earning an equal amount is beyond me.

Women are still underrepresented in STEM professions and other traditionally male fields. Colleges, employers, and the government are all working hard to draw women into fields that are currently heavily male dominated, but at present there's still a huge gender gap when it comes to STEM and other traditionally male professions. Here are some stats to consider: women hold just 27 percent of computer science jobs, five percent of engineering jobs, and only 20 percent of STEM jobs overall. And if anybody has followed Gamergate you might understand why.

Discrimination continues to be a major factor in the workforce. In 2004, 24,249 individual sex discrimination complaints were filed with the Equal Opportunity Commission. In recent years, several major gender discrimination cases have come to court, including those involving Walmart and Morgan Stanley. While

women are making strides in the workplace, these stats show that treatment once there isn't always equitable or fair.

And these statistics all lead to the fact that women are most likely to have an unstable retirement. Variety of factors contribute to women having a much less stable retirement than men, as I've already stated. They make less during their working years, are less likely to have a pensioned position, and will spend less time in the workforce than men. Add to that smaller Social Security checks and longer life spans and you have the perfect storm that leaves many women unprepared to support themselves through their older years. Education on financial planning is one key way to change this, but evening out the playing field in the workplace is a critical step.

Yes, progress is being made, but when women make 77 cents on every dollar a man makes for equal work, we still have work to do. When nearly 70 percent of minimum wage workers here in Maine are women, we still have work to do. We have an opportunity to tell women and girls across the state that we are valued as equals; that we are not second class citizens. Article 1 of the Constitution used to read that "all men are created" here in Maine, and how it reads "all persons." That is progress. But again, in 1984, women's equality lost at the ballot box 2:1.

I ask you today to set our history right and to ensure that generations of women and girls have full, equal status here in Maine. And I emphasize the word "equal." This is not about special rights; this is about ensuring and codifying in our Constitution that women and men are considered equal. Women are roughly half of the race. Not one person in this room would be here if it were not for a woman. We own property. We are educated. And we vote. We should be treated with the same respect.

It was the first woman US Senator, Margaret Smith, that delivered the Crisis of Conscience. It was a young girl, Samantha Smith, who brought down the Cold War. If they can lead from here in Maine with their courage, certainly we can lead the state with ours and make sure that every woman and girl, and man and boy, are treated with absolute equality under the eyes of the Maine State Constitution. Thank you, Mr. Speaker Pro Tem.

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

Representative **COOPER**: Thank you, Mr. Speaker Pro Tem and Ladies and Gentlemen of the House, I'd just like to add a little bit about the legal reason that an equal rights amendment would make a difference. I think many people are under the false impression that because courts, including the Supreme Court, have struck down various prohibitions and additional requirements for women under the 14th Amendment, that therefore there really is no need for adding an equal rights amendment.

Now the 14th Amendment, as you all know, was part of the post-Civil War amendments intended to provide equality to people based on race. The court has used the 14th Amendment to strike down sex discrimination laws and practices. However, it's very important to note that the courts, the federal courts, have consistently refused to use the same standard of review that is used when examining racial discrimination. Race discrimination as well as discrimination based on religion and national origin is a suspect category and is subject to the strictest form of review. The burden on proving that that discrimination is allowed is very difficult to prove. Most cases where there's an equal protection claim are judged under a test of what is called a "rational basis." The government just has to show a rational basis for the different kinds of treatment.

What the court has done consistently, and until modern times, until today, is apply an intermediate standard known as

"heightened scrutiny"; it is something less than "strict scrutiny." So, the end result of this is that sex discrimination practices have survived challenges where they would not survive if it was based on race.

Before coming to Maine, I served with the House Judiciary Committee Subcommittee on Civil and Constitutional Rights. Part of the work that I did was on the equal rights amendment, extending the time for ratification, so this is a subject I studied well, and I know that there is a difference in the law. There is a need for this; it's not just a question of traditions and practices, the way men and women perform in the workforce or otherwise. It is a different standard of law, and that, in 2015, is really intolerable. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker Pro Tem, this of course is an issue that affects all of us and I'm very pleased that this is before us now, but I'd like to ask for a roll call.

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 PRO TEM: 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. 163**

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

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

ABSENT - Dion, Head, Hobbins, Hubbell, Kinney J, Lockman, Malaby, Noon, Pierce J, Pierce T, Pouliot, Sherman, Skolfield, Theriault.

Yes, 79; No, 58; Absent, 14; Excused, 0.

79 having voted in the affirmative and 58 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-284)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-284)** and sent for concurrence.

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

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Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"

(H.P. 270) (L.D. 404)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast

BATES of Westbrook

CAMPBELL of Newfield

FECTEAU of Biddeford

GILBERT of Jay

MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland

CUSHING of Penobscot

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

WARD of Dedham

**READ.**

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

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-299)** on Bill "An Act To Help Older Adults Age in Place through Comprehensive Planning"

(H.P. 628) (L.D. 909)

Signed:

Senators:

WHITTEMORE of Somerset

LIBBY of Androscoggin

WILLETTE of Aroostook

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

PICKETT of Dixfield

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

Signed:

Representatives:

GREENWOOD of Wales

TUELL of East Machias

TURNER of Burlington

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-299)** 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-299)** and sent for concurrence.

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Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Ensure Proper Adoption of Rules by All Departments, Agencies and Boards"

(H.P. 694) (L.D. 999)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-300)** on same Bill.

Signed:

Senators:

WHITEMORE of Somerset

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

PICKETT of Dixfield

TUELL of East Machias

TURNER of Burlington

**READ.**

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Improve the Maine Administrative Procedure Act"

(H.P. 922) (L.D. 1354)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-301)** on same Bill.

Signed:

Senators:

WHITEMORE of Somerset

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

PICKETT of Dixfield

TUELL of East Machias

TURNER of Burlington

**READ.**

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

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 524) (L.D. 1406) Bill "An Act To Implement the Recommendations of the Commission To Study College Affordability and College Completion" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-163)**

(H.P. 163) (L.D. 231) Bill "An Act To Ensure That Schoolchildren with Dyslexia Receive the Assistance Needed" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-279)**

(H.P. 574) (L.D. 840) Bill "An Act To Support the Implementation of Proficiency-based Diplomas and Standards-based Student Learning" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-292)**

(H.P. 711) (L.D. 1028) Bill "An Act To Clarify Laws Concerning the Registration of Professional Engineers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-303)**

(H.P. 739) (L.D. 1076) Bill "An Act To Enact the Vaccine Consumer Protection Program" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-305)**

(H.P. 805) (L.D. 1173) Bill "An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-293)**

(H.P. 913) (L.D. 1344) Bill "An Act To Protect Maine Consumers in the Individual Health Insurance Market and Support Maine's Economy" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-291)**

(H.P. 945) (L.D. 1395) Bill "An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-298)**

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

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

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(H.P. 254) (L.D. 388) Bill "An Act Regarding Timber Harvesting on Land Managed by the Bureau of Parks and Lands" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-297)**

On motion of Representative HICKMAN of Winthrop, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

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(H.P. 520) (L.D. 767) Bill "An Act To Create Jobs in Aroostook and Washington Counties" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-302)**

On motion of Representative GIDEON of Freeport, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

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(H.P. 610) (L.D. 891) Bill "An Act To Help Municipalities Dispose of Certain Abandoned Property" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-296)**

On motion of Representative MAKER of Calais, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-296)** was **READ** by the Clerk.

Representative MAKER of Calais **PRESENTED** **House Amendment "A" (H-304)** to **Committee Amendment "A" (H-296)**, which was **READ** by the Clerk.

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill was to take care of abandoned mobile homes and I have to thank the Judiciary Committee for all the work with me to get this this far. However, after we approved the bill, there was concerns from the lenders that they wanted some things changed. And so this amendment takes care of the changes. The abandoned mobile homes that we're talking about are just that: they're abandoned property.

And this was specially done for the town of Baileyville. The town manager has tried to clean up all the mobile homes in the area and he found it very difficult and very costly and this will allow them to do that because there should be no cost to any of these properties. Thank you very much.

Subsequently, **House Amendment "A" (H-304)** to **Committee Amendment "A" (H-296)** was **ADOPTED**.

**Committee Amendment "A" (H-296)** as **Amended by House Amendment "A" (H-304)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-296)** as **Amended by House Amendment "A" (H-304)** thereto and sent for concurrence.

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**ENACTORS**

**Emergency Measure**

An Act To Ensure That Collection Facilities Can Participate in the Architectural Paint Stewardship Program

(S.P. 370) (L.D. 1044)

(C. "A" S-157)

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. 115 voted in favor of the same and 8 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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**Emergency Measure**

Resolve, To Establish the Commission To Study Difficult-to-place Patients

(H.P. 113) (L.D. 155)

(C. "A" H-249)

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. 113 voted in favor of the same and 10 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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**Acts**

An Act To Assist Persons with Breast Cancer

(H.P. 246) (L.D. 359)

(S. "B" S-144)

An Act To Eliminate the Broadband Sustainability Fee

(H.P. 304) (L.D. 465)

(C. "A" H-219)

An Act To Amend the Laws Governing the Membership of the Maine Commission on Domestic and Sexual Abuse  
(H.P. 398) (L.D. 574)

An Act To Establish a State Educational Medicaid Officer  
(H.P. 406) (L.D. 582)  
(C. "A" H-227)

An Act To Limit the Amount That May Be Retained on Construction Contracts  
(H.P. 510) (L.D. 757)  
(C. "A" H-238)

An Act To Reduce Student Loan Debt through an Expansion of the Educational Opportunity Tax Credit  
(H.P. 617) (L.D. 898)  
(C. "A" H-229)

An Act To Expand Public Access to Epinephrine Autoinjectors  
(H.P. 776) (L.D. 1125)  
(C. "A" H-250)

An Act To Prohibit Certain Payments with Respect to an Adoption  
(H.P. 812) (L.D. 1179)  
(C. "A" H-241)

An Act To Amend the Election Laws  
(H.P. 907) (L.D. 1335)  
(C. "A" H-251)

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

**Resolves**

Resolve, To Review and Report Recommendations on the Safety of Motorized Farm Rides Provided for a Fee to the Public  
(H.P. 726) (L.D. 1057)  
(C. "A" H-234)

Resolve, To Change the Requirements for Nursing Services in Home Health Care  
(S.P. 398) (L.D. 1129)  
(C. "A" S-158)

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

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

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

**UNFINISHED BUSINESS**

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

Bill "An Act To Change Municipal Campaign Contribution Limits"  
(H.P. 430) (L.D. 617)

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

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

TABLED - May 27, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **FURTHER CONSIDERATION**.

Subsequently, Representative CHIPMAN of Portland moved that the House **RECEDE**.

The same Representative **PRESENTED House Amendment "B" (H-310) to Committee Amendment "A" (H-167)**, which was **READ** by the Clerk.

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

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

The **SPEAKER PRO TEM**: The Representative may pose her question.

Representative **ESPLING**: Just curious as to an explanation on what this amendment does just so that our members are informed.

The **SPEAKER PRO TEM**: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Thank you, Mr. Speaker, it offers some clarity. This is a bill I sponsored to change municipal campaign contribution limits. It was heard by the Committee on Veterans and Legal Affairs, who amended it to do a few other things. It came out of the committee unanimous, it passed here in the House, and there was some issues that some Senators had with it, so I'm hoping this will address their concerns. It basically, the campaign contribution limits for counties would stay the same; for municipal elections would go from \$750 down to \$500. It was \$350 four years ago, so it's somewhere in the middle between \$350 to \$750, and we think we'll address the concerns of the other body. Thank you.

Subsequently, **House Amendment "B" (H-310) to Committee Amendment "A" (H-167)** was **ADOPTED**.

**Committee Amendment "A" (H-167) as Amended by House Amendment "B" (H-310)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-167) as Amended by House Amendment "B" (H-310)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

HOUSE DIVIDED REPORT - Report "A" (7) **Ought Not to Pass** - Report "B" (5) **Ought to Pass as Amended by Committee Amendment "A" (H-232)** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-233)** - Committee on **TAXATION** 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)

TABLED - June 1, 2015 (Till Later Today) by Representative GOODE of Bangor.

PENDING - **ACCEPTANCE OF ANY REPORT**.

Subsequently, Representative GOODE of Bangor moved that the House **ACCEPT** Report "B" **Ought to Pass as Amended**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **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 PRO TEM: The Chair recognizes the Representative from Bangor, Representative Goode.

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **GOODE**: Is the motion before us the Report that includes five members of the committee?

The SPEAKER PRO TEM: The Chair would answer in the affirmative. If the Representative may proceed, or the Representative may seek further clarity with the Clerk reading the Committee Report.

Representative **GOODE**: Mr. Speaker Pro Tem, I know it's Friday afternoon. I think that I have the clarity that I seek at this point.

The SPEAKER PRO TEM: The Member may proceed.

Representative **GOODE**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, apologize for the confusion. I think this is our first 3-way Committee Report from the Taxation Committee this session. The bill and motion that is before us deals with the Property Tax Fairness Credit.

For those of you who have been involved in the Legislature, our tax policy the past few decades, then you're familiar with the Circuit Breaker Property Tax Rebate System. Circuit Breaker existed until the 126th Legislature. If you're like me, you know lots of people in your life, in your neighborhood, who filed in August for the Circuit Breaker program. It helps low-income people, seniors, help pay for their property taxes. It was a rebate system that was dramatically changed in the last Legislature. In the last Legislature, we made some mistakes in altering the Circuit Breaker Program negatively. We turned it into a program called the Property Tax Fairness Credit and we made it so less people qualify for that program, and those who do qualify for the program get less money than they used to.

The report before us does three things. Those three things seek to make it so the people who currently qualify for the Property Tax Fairness Credit get a benefit that is more similar to what they got under the Circuit Breaker Program, as opposed to the more limited benefit that they now get under the Property Tax Fairness Credit. The three things that the report before us does is it: increases the reimbursement rate from 50 percent to 100 percent, it increases the maximum credit from \$600 to \$900 or \$1,500 to \$2,000 depending on how you file, and it increases the maximum benefit base from \$2,000 to \$3,000 from those filing singly. For dual-filers, it increases from \$2,600 to \$4,000 and for families of three or more it increases from \$3,200 to \$5,000.

These changes, again, are designed to make it so the people who used to get the Circuit Breaker Program now get a Property Tax Program benefit at a level that's similar to what they used to get. This bill does not address people who no longer get any type of property tax benefit. I think there's separate legislation that might be able to address that problem.

I hope I've explained everything clearly. I apologize for the confusions with motions. And I would just add before I'm done that, you know, we made a lot of negative changes in the 126th that impacted property taxes. The three programs that our committee deals with are the Homestead Exemption, revenue sharing, and Property Tax Fairness Credit. And I would just say that I've gotten a lot of handwritten letters and comments from people who live in Bangor. My grandmother is in that category of people who used to get a Circuit Breaker Program, were very used to seeing that property tax relief, and a lot of people have told me that they don't get any relief or they get less relief than they used to, and that they were surprised that it was on my watch that that happened. They're very, I think, moving letters

and I think if you care about tax policy and you care about helping people who are low-income or are seniors who struggle to pay their taxes, I think this is something that I've heard about a lot, and the bill before us and the motion before us presents an opportunity to show people that it's something that we really care about fixing. Thank you.

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

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

The SPEAKER PRO TEM: The Representative may pose his question.

Representative **BICKFORD**: Thank you. Can we have the Clerk read the fiscal note on this, please?

Representative **BICKFORD** of Auburn **REQUESTED** that the Clerk **READ** the Fiscal Note.

The Clerk **READ** the Fiscal Note in its entirety.

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

Representative **BICKFORD**: Thank you, Mr. Speaker, sorry to rise a second time, but I want to be clear what Report is being read, whether it's Amendment "B" or "A."

The SPEAKER PRO TEM: The Chair will clarify that the fiscal note that was read was for Report "B" with a filing number of (H-232).

The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, Men and Women of the House, I know tax law can be confusing but so can the computer. And the reason for the confusion is in the computer, it lists Committee Amendment "B" as 233 and Committee Amendment "A" as 232. According to the computer, Committee Amendment "B" is a Minority Report of one, which is a Resolve. I think that's where the confusion is coming from.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, and asks why the Member rises.

Representative **GOODE**: Believe it or not, I think I might be able to provide some clarity to this.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **GOODE**: My intent and what I believe is before us is a motion on Report "B," which is Ought to Pass as Amended by Committee Amendment "A." So, there's a "B" and an "A." What it says on the board is Report "B" and it should be Ought to Pass as Amended by Committee Amendment "A," and I think that is (H-232), which is the bill with a \$40 million fiscal note, which I hope to address later.

The SPEAKER PRO TEM: That is correct. The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Men and Women of the House, if you're new to the Legislature, and you want to get people's attention, you make some really sketchy motions and then people are paying attention to your speech, so I appreciate you all bearing with me.

I knew the \$40 million fiscal note issue would come up. There is no ignoring the fact that it costs money to invest in the Property Tax Fairness Credit. I stand before you all having talked to lots of people about lots of different aspects of tax policy. There's a lot of debates going on statewide and in this body about that. Based on my district and the people that I represent, this is a program that people really care about. I am very serious about voting against lots of things that I care about that cost money, and not leading people on about what the Appropriations Committee might do, but I stand by this being \$40

million well worth being invested. I think we've all voted on ideas that, I've sat here and pushed the red button or pushed the green button, and I think that this stacks up in terms of compelling help to people who really struggle to get by, more than any other bill that we've dealt with in the Tax Committee.

My grandmother lives in a house on Hogan Road that she and my grandfather moved to in 1954. She has a yard sale this weekend. Every year she has a yard sale. And she struggles to pay her property taxes, is a healthy 84-year-old, wants to live in the house that she moved to in 1954, wants to stay there, and I think that having people not get this benefit when we prioritize lots of other types of tax policy that don't directly go to local people, help them stay in their homes, help them have money to go get their hair cut, buy groceries. I think the \$40 million definitely passes the straight face test in my book.

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

**ROLL CALL NO. 164**

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

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

ABSENT - Dion, Hobbins, Kinney J, Kornfield, Lockman, Malaby, Noon, Pierce T, Sawicki, Sherman, Timmons, Mr. Speaker.

Yes, 79; No, 60; Absent, 12; Excused, 0.

79 having voted in the affirmative and 60 voted in the negative, with 12 being absent, and accordingly Report "B" Ought to Pass as Amended was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-232)** 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-232)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-275)** - Minority (6) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Prohibit the Sale of Dogs and Cats in Pet Shops"

(H.P. 229) (L.D. 335)

TABLED - June 4, 2015 (Till Later Today) by Representative HICKMAN of Winthrop.

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

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

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

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill is very, very dear to my heart. When my two children were growing up, they brought home stray animals. We even adopted a horse, and as Representative Marean knows, had the best life any horse would want. And my good friend, Representative Marean had some old horses that he took well care of.

But get back to the dogs and cats. I'm going to be 82 next week and I've spent money to have 27 cats fixed, took care of this horse when he was seven years old when he was going to the killer's and had him 'til he was about 31 years old, and we loved him dearly. But we always wanted a Golden Retriever. So we went to look at some Golden Retriever puppies that a young couple had the mother and father and they had the litter, and we pulled into the farm yard and I opened the door, the Golden Retriever, the mother, bounded right into the front seat of the car with kisses. So we bought Barney from this young couple and they had another litter and we bought Tasha, his sister, from another litter. And then we, our third Golden Retriever was Noah, who friends of ours that had a litter of Golden Retrievers and Noah almost died and they spent a fortune and they gave him to us because they knew that we had no small children and the dog would have a good home.

But getting back to the puppy mills, getting back to the puppy mills. I went over and saw firsthand that puppy mill over in Buxton. And if you've never seen one, and I'm looking to my left and my right, you've got to experience it. It's heartbreaking and disgusting to see the mothers and fathers of these dogs in cages laying in feces, going without water and food, and I don't mean three or four cages, they could fill a barn some of them. And all these people want to do is make a fast buck. They don't love animals and they don't love these dogs or these puppies. It's totally disgusting.

And I served in this chamber with a member who later got elected to the other body, and that person went over and picketed and defended those people in Buxton, and she never got re-elected. Thank God. So I want to say, please, stop and think, if you've ever had puppies or a dog or a cat that you loved and hope that it never came from a puppy mill. And I hope my friends on both sides of the aisle, and some of them are on an Ought Not to Pass, and a couple of them are real good friends, I hope you vote with me and support LD 335. Thank you.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill would prohibit licensed pet stores from selling their product. It would make it illegal for these businesses to conduct business in the

State of Maine. Well, the amendment gives the four stores in Maine a grandfather clause to continue. In reality, this bill will hurt these private entities for following the law.

In reality, the problem discussed in our committee was that people want to shut down puppy mills. Puppy mills are illegal here in Maine already. This bill does not do what the underlying intention of the bill wants. This is a federal issue. Puppy mills still exist and will continue if LD 335 is passed as amended. We will bring in more dogs that come from puppy mills under the guise of being rescues, or that we are adopting unwanted animals as pets. We were told we should buy our dogs from reputable breeders. There's no definition of a so-called "reputable breeder." I asked about this in committee and was told reputable breeders would never sell to a pet store. I believe I was lied to in committee.

This is a "feel good" bill that if passed we can all feel good that we've protected dogs and cats from the horrible conditions in a pet store. I've seen the animals in pet stores. They are not mistreated; there are very specific rules in place to protect our furry friends. I spoke with a friend who I consider to be a reputable breeder and learned that she does not, I repeat does not, have any oversight to make sure she's raising her dogs properly. She only breeds one litter a year so that she doesn't have to charge and pay sales tax. Hm, seems like my reputable breeder has found a loophole in the law and regulatory system.

One issue we heard over and over was that the dogs in the pet stores are so ill and have terrible diseases that are devastating to the animals and end up costing their owners a small fortune in vet bills. Today I received an email from The Calvary Group. The Calvary Group obtained paperwork providing that a Maine dog rescue knowingly sold a puppy from a litter infected with canine parvovirus. The puppy name Jasper was recently transported to Maine from Georgia. I wonder if a person who ends up with cancer would have recourse with a similar law, maybe banning people with a susceptibility to the disease from being able to have children. Sorry.

Sadly, dogs and cats, because they are living animals are susceptible to terrible diseases just like humans. My family recently had a dog put down who had lupus. It is an autoimmune disease which affects humans and there is no cure. It is also affecting dogs. And when I had discussed this with people about what was wrong with my dog, they were shocked to hear that because they didn't think dogs could get this disease. The sad fact is animals get sick just like people do. The lucky ones have families who are financially able to take care of and allow them to live. My dog's care was minimal in cost, as it was a matter of him being on a steroid for the last year and a half of his life. Unfortunately, some dogs have more invasive problems and treatments due the fact something went wrong in their DNA.

I know many people who have purchased pet shop dogs, and even more who have purchased—don't be fooled by shelters and rescue adoptions, they are selling dogs and cats—from a shelter or rescue organization. These so called "rescue animals" usually have more health problems than the purebred animals from pet shops and private breeders. They often cannot interact with children or men or women or other animals.

In the end, it takes a special human to work tirelessly with an animal that relies on their human owner to care for them and love them. Sadly, this bill will not fix the problem it was submitted to fix. In the end, it will cause more issues as the people will have more difficult time finding that perfect pet for their family. I have never purchased a dog from a pet shop, but I'm not comfortable telling the people who have had great success doing so that they will never again be able to do so in the future. Please follow my light and vote Ought Not to Pass.

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

Representative **TUELL**: Thank you, Mr. Speaker. Mr. Speaker, I support the intent of this legislation, but I cannot support the bill as presented. A brief digression here. Ten years ago my family and I found a three week old Golden Retriever puppy on the side of the road on Christmas Eve. We took that puppy in and enjoyed her companionship for 11 years. So, to say that people in here are anti-animal is a little bit out of line.

Beyond that, my concern with this legislation—one of my concerns—is that it overlooks the fact that people are flocking in droves to Facebook, to Craigslist, to online avenues that are totally unregulated. And if people want to buy an animal in questionable circumstances, there are many, many, many easier ways to do it. It's a societal ill, I'm afraid, that lead people down that path and lead people to do that. To sell puppies illegally and do puppy mills. I think we're all against puppy mills. But this bill doesn't solve the problem. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise today in opposition of LD 335. This bill is not about puppy and kitten mills. Those laws and rules are already on the books. It's about overregulating four licensed pet stores.

This bill will not eliminate puppy mills. They will continue to operate as long as there's people willing to break the law, people who are greedy, and people who don't care about animals. We need more enforcement of the existing laws we already have. Puppy mills operate under the radar, not in licensed pet shops. The Animal Welfare Advisory Council was asked by our committee to look into this. And they voted 8-2 that this bill not pass. We have seen all the newspaper stories and pictures of those puppy mills; the terrible, terrible pictures and the disgust that we have in those. But this bill will not put an end to them.

Please do not let emotions affect how you vote and pass a bill that will have unintended consequences. If you would look at the paper that I had handed out on your desks from our university Gary Anderson, veterinary, he said in the last paragraph, "LD 335 is not good public policy and neither are either one of the proposed amendments." Thank you.

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

Representative **MONAGHAN**: Thank you Mr. Speaker Pro Tem, Ladies, Women and Men of the House, I rise today to ask you to please support LD 335, a bill to restrict the sale of cats and dogs in pet stores. I want to thank all of the animal protection groups from Maine, as well as national stakeholders who have worked hard in getting this bill to where it is today. I also hope you will read the recent sheet distributed to your desks from Heidi Jordan, who is the Executive Director of the Franklin County Animal Shelter, and also a member of the Animal Welfare Advisory Council.

So, we've heard a lot of discussions from opponents of this bill pointing out a lot of unfounded claims. But really, what this bill is about is this: it is about looking at commercial breeders that do not treat their animals well. The amended language of LD 335 will address this concern. It will grandfather the existing pet stores that sell commercially bred dogs and cats and allow them to continue to purchase from commercial breeders without violations. Without violations. These violations are under the strict rules, or as much as they can be, USDA inspections, and they come out of the Animal Welfare Act that impact the health and welfare of cats and dogs.

LD 335 will hold the remaining pet shops and these requirements accountable to the representation that they are making to the public. In other words, it will have them, or make them, do their homework, go check to make sure that the commercially breeding companies that they purchase their dogs and cats from do not have violations and will not or have not had any violations.

It is true, since the 1990's, the USDA has stated that their inspection program is ineffective at preventing puppy mill cruelty. They've acknowledged that they are incapable of addressing this issue through inspections and standards of care, and the recent report states that they, "set the absolute minimum and they look to states to go beyond the bare minimum." Additionally, a study in 2013 published by the *Journal of American Veterinary Medicine* concluded that they could recommend that puppies be obtained from pet stores because the study demonstrated that obtaining dogs from pet stores versus non-commercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior.

So what has been effective? Well, what has been very effective is that more than 70 laws now have been passed across the country that restrict or prohibit the sale of cats and dogs in pet stores. These laws effectively drive the market toward pet adoption and responsible dog breeders, and pet stores have thrived after switching to a humane model of offering puppies and kittens for adoption from nearby shelters as it brings in new customers and attracts positive media. Unlike USDA inspections such laws have been effective in providing an incentive for the commercial breeding industry to clean up its act.

I also want to just point out one thing. You know, there is the question of, well, what is a reputable dog breeder? Well, first of all, reputable dog breeders do not sell to pet shops. A review of the code of ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC, find that 96 percent of them include statements to the effect that their breeders should not or do not sell to pet stores. And again, you can find a reputable breeder by doing your homework and going to see for yourself where the pets were born and raised. You can't do that at a pet store.

Lastly, opponents of this bill say we, the Legislature, shouldn't be telling what people can do and cannot do. Well, in this case, that's just not true. For example, look at the ban on powdered alcohol bill we just passed. It is absolutely appropriate for the Maine Legislature to take action to protect Maine consumers from unknowingly purchasing puppies raised in conditions that increase the likelihood of serious health issues. And it is equally reasonable for the Maine Legislature to take steps to promote humane values within the state. Thank you again and I hope you will please support the Ought to Pass as Amended Report of LD 335.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, have you noticed I sat here all morning and never said a word on any bill? So, I apologize for standing for the second time. I have a couple of fliers here on my desk. One of them is a picture of some gentleman and it seems that the whole thing's about, the whole top part, all about his education, so I won't get into that. This one here, the second one, LD 335 supported by the following organizations. We talk about authorities on things. Maine Friends of Animals, Animal Refuge League of Greater Portland, the Maine POM Project, the Humane Society of the United States, Spay Maine, Maine Animal Coalition, Halfway Home Pet Recue: Feline Rescue and Rehabilitation, the

Kennebec Valley Humane Society, Maine Federation of Humane Societies, Franklin County Animal Shelter, ASPCA, Maine Animal Coalition, and there's a couple more there but I won't go into it. But there's 13 in all, so if you want to talk about experts, I don't want any one guy from there's all about his education, Pennsylvania and so on. I would look at this with 13 animal groups, that it supports LD 335. If you want some real information from people that know what they're talking about, this is it. Not just us in this chamber, who really aren't authorities on anything. Thank you. Oh, by the way, Mr. Speaker, one more thing.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newfield, Representative Campbell, and inquires as to why the Member rises again.

Representative **CAMPBELL**: Because I'd like to, in 13 years up here, you and anybody else that was standing up there, to me, was "Mr. Speaker." I don't know where all this "Pro Tem" came out, but this is the first year I hear this boloney.

The SPEAKER PRO TEM: The Chair would answer, for informational purposes, people may refer the Chair today, the Speaker, as "Speaker Pro Tem" or "Speaker".

The Chair recognizes the Representative from Hampden, Representative Davitt.

Representative **DAVITT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this is an interesting debate. I, like I think every member of this House, has received several emails on it. Most interesting was from The Calvary Group; the latest one, posting, shows paperwork proving that a Maine rescue, Maine dog rescue group, knowingly sold a puppy from a litter infected with canine parvovirus. Unfortunately, this report left something out: The litter was reported to have had, or some of the litter-mates reported to have parvovirus. The particular puppy was placed under 21-day quarantine, no parvovirus was found, but they treated it anyway. And I think in 21 days when they tested again, still no parvovirus.

It's easy to put out misinformation. I think the most important thing here, though, is as my friend, the Representative Campbell has said it, let's look to the Maine experts, see what they say, and follow their lead. Thank you, Mr. Speaker.

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

Representative **MONAGHAN**: Thank you, Mr. Speaker, Men and Women of the House, this will be my last time I stand up, I promise, because we have a lot more work to do, but I just do want to address this email that just came from The Calvary Group, and I just want to remind people, really that has to do about with transports. That has nothing to do with this bill. It's a totally separate issue. These animals that are being brought in from areas of the country where they continue to euthanize a large number of animals in shelters due to lack of space. There will be rulemaking later on this year that will be tightening up the rules regarding transport.

Also, this does not create a monopoly because our bill, LD 335, does not prohibit breeders, but rather helps keep dogs and cats from the bad non-reputable breeders from Maine pet stores. Again, these rules, in place, requiring quarantine, vet care, and they do behavior testing. The rulemaking process will strengthen these requirements. And again, I just want to remind everyone, it's totally not even germane to this bill. It's a totally separate issue. So, I would ask you to just disregard that email. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Saucier.

Representative **SAUCIER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 335. We've

heard in this chamber today that you should not be emotional on this subject, but when it comes to dogs and animals, you have to be emotional if you love pets. I'm going to read something that I prepared, but I'm going to tell you a little story about my experience with a puppy mill down in Buxton, Maine.

Almost all puppies sold at pet stores come from puppy mills. Responsible breeders do not sell their puppies at pet stores. Puppy mills are inhumane. Commercial dog breeding facilities that mass produce puppies for the pet trade. The dogs are typically kept in small wire cages for their entire lives, given very little food and water, and little or no veterinarian care. They are bred continuously and discarded or killed when they can no longer breed. The puppies are often shipped to pet stores at a very young age when they are susceptible to preventable infections and diseases. Often, puppies sold at pet stores appear healthy, but later show signs of severe illness, costing the new owner thousands of dollars in veterinary bills.

Most pet stores do not disclose the true origins of their puppies. Instead, they use deceptive sales pitches like "USDA Licensed" or "Professional Breeders." Many of their puppies come from breeders with one or more Animal Welfare Act violations. Pet stores can thrive by offering puppies and kittens for adoption from nearby shelters, or moving to a supply only model. The humane model can also bring in new customers and attract positive media attention for the store.

Now getting to my story. When Buxton puppy mill was raided, there were over 300 dogs and cats in that facility. When they went into the facility, they found piles of dogs and cats that were killed or died of disease laying outside the facility. Thirty of those dogs were brought to Presque Isle and of those 30 dogs, there were 10 Pekingese. There was a male, a six year old male, and some younger ones. The younger ones were all adopted, and when I went up there, there was the six year old male.

He was mangy, sick, and blind from no veterinary care. His name was Pooh Bear. That's the name they gave him, so we kept it. We brought him home. We've had him for almost six years now. A little after the time we brought him home, he became paralyzed. We were down in Bath, Maine at the time and they wanted us to put him down. And I said, "That's not going to happen." I was going to make him a cart to ride around so I could keep him. I took him to the animal hospital in Presque Isle and they put him on Tetracycline and another medication for Lyme and Prednisone. They said he had a previous injury from where he was kept.

For 30 days I would sit him down, put him on the ground, and he would fall over. That went on and on and on, him dragging his body around my property, until I took him back to the vet 30 days later. And they said, "Bob, he's blind. He's sick. He's paralyzed. You should put him down." And I said, "That's not going to happen." So they gave us more medication, and for the next two weeks I did it again. And one day he stood, on his own, and then he fell down. This went on for another week or two until one day he took steps. And today Pooh Bear runs around our property, hopping around like he never had any effects. As long he knows that I'm out there watching for him so he doesn't run into anything. This is an emotional issue and dogs and cats should not be treated this way. Thank you.

The SPEAKER PRO TEM: 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. 165**

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

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

ABSENT - Dion, Hobbins, Kinney J, Kornfield, Lockman, Malaby, Marean, Noon, Pierce T, Sawicki, Sherman, Timmons, Mr. Speaker.

Yes, 79; No, 59; Absent, 13; Excused, 0.

79 having voted in the affirmative and 59 voted in the negative, with 13 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-275)** 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-275)** and sent for concurrence.

**COMMUNICATIONS**

The Following Communication: (S.C. 406)

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

June 4, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Provide Enhanced Mental Health Services to the County Prison Population" (H.P. 438) (L.D. 657), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass Report from the Committee on Energy, Utilities and Technology on Bill "An Act To Establish Primary Energy Goals for the State" (H.P. 892) (L.D. 1314), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Labor, Commerce, Research and

Economic Development on Bill "An Act To Protect Earned Pay" (H.P. 456) (L.D. 675), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Protect Preemployment Credit Privacy" (H.P. 795) (L.D. 1157), in non-concurrence.

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

**READ and ORDERED PLACED ON FILE.**

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**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Resolve, Establishing the Commission To Study the Needs, Opportunities and Efficiency Associated with the Production of Salmonid Sport Fish in Maine

(H.P. 762) (L.D. 1102)

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
HILLIARD of Belgrade  
LYFORD of Eddington  
MARTIN of Sinclair  
SHORT of Pittsfield  
WOOD of Greene

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

Signed:

Representatives:

CRAFTS of Lisbon  
REED of Carmel

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

**READ.**

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

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-307)** on Bill "An Act To Limit the Use of Ropes and Buoys in Swim Areas in Great Ponds"

(H.P. 843) (L.D. 1225)

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-308)** on same Bill.

Signed:

Representative:

WOOD of Greene

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-307)** Report.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-307)** 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-307)** and sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 731) (L.D. 1062) Bill "An Act To Support Housing for Homeless Veterans" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)**

(H.P. 930) (L.D. 1372) Bill "An Act To Encourage the Redevelopment of Upper Floors of Buildings in Downtowns and on Main Streets" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)**

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.

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**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Provide Rule-making Powers and Increased Authority over Dental Hygienists to the Subcommittee on Dental Hygienists"

(H.P. 829) (L.D. 1211)

Signed:

Senators:

VOLK of Cumberland  
CUSHING of Penobscot  
PATRICK of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)** on same Bill.

Signed:

Representative:

CAMPBELL of Newfield

**READ.**

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 114) (L.D. 299) Bill "An Act To Protect Children in Municipal and School Facilities by Requiring Boiler Inspections" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-191)**

(S.P. 162) (L.D. 433) Bill "An Act To Clarify the Liability of Funeral Practitioners" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-187)**

(S.P. 262) (L.D. 732) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Augusta, Bangor and Thomaston Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-186)**

(S.P. 395) (L.D. 1123) Bill "An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-192)**

(S.P. 436) (L.D. 1231) Bill "An Act To Create the Southwest Harbor Water and Sewer District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-185)**

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.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-193)** on Bill "An Act To Require the Department of Health and Human Services To Annually Update Its Rules Governing Services for Children with Cognitive Impairments and Functional Limitations"

(S.P. 240) (L.D. 647)

Signed:

Senators:

BRAKEY of Androscoggin  
HASKELL of Cumberland  
McCORMICK of Kennebec

Representatives:

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

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

Signed:

Representative:

SANDERSON of Chelsea

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-193)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-193)** 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-193)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-190)** on Bill "An Act To Promote Economic Development"

(S.P. 409) (L.D. 1140)

Signed:

Senators:

CUSHING of Penobscot  
PATRICK of Oxford

Representatives:

HERBIG of Belfast  
AUSTIN of Gray  
BATES of Westbrook  
FECTEAU of Biddeford

GILBERT of Jay  
MASTRACCIO of Sanford  
WARD of Dedham

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

Signed:

Representatives:

CAMPBELL of Newfield  
LOCKMAN of Amherst  
STETKIS of Canaan

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-190)**.

**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" (S-190)** 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-190)** in concurrence.

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

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On motion of Representative WARREN of Hallowell, the House adjourned at 3:37 p.m., until 9:00 a.m., Monday, June 8, 2015, in honor and lasting tribute to John M. "Moe" Mulholland, of Manchester and Patricia Percy, of Phippsburg.