

# 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  
57th Legislative Day  
Tuesday, June 9, 2015

**COMMITTEE AMENDMENT "A" (H-300) in NON-CONCURRENCE.**  
The House voted to **INSIST**.

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

Prayer by Kurt Nelson, Dean of Religious and Spiritual Life, Waterville.

Pledge of Allegiance.

Doctor of the day, Michele McCormick, M.D., Farmington.  
The Journal of yesterday was read and approved.

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

The following item was taken up out of order by unanimous consent:

**COMMUNICATIONS**

The Following Communication: (H.C. 206)

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

June 9, 2015

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

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Jeff M. McCabe of Skowhegan to serve as Speaker Pro Tem to convene the House on June 9, 2015.

Sincerely,

S/Mark W. Eves

Speaker of the House

**READ and ORDERED PLACED ON FILE.**

**Non-Concurrent Matter**

Bill "An Act To Change Municipal Campaign Contribution Limits"

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

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167) AS AMENDED BY HOUSE AMENDMENT "B" (H-310)** thereto in the House on June 5, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and FAILED in NON-CONCURRENCE.**

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

**Non-Concurrent Matter**

Bill "An Act Regarding the Sale of Hard Cider"

(H.P. 429) (L.D. 616)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265)** in the House on June 3, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-265) AS AMENDED BY SENATE AMENDMENT "A" (S-195)** thereto in **NON-CONCURRENCE.**

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

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Align Maine's School Marketing Law with Current Federal Food Standards"

(H.P. 680) (L.D. 985)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157)** in the House on May 20, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-157) AS AMENDED BY SENATE AMENDMENT "A" (S-207)** thereto in **NON-CONCURRENCE.**

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

**COMMUNICATIONS**

The Following Communication: (H.C. 197)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 136, "An Act To Clarify That the Medical Records of Applicants for Disability Variances Submitted to Municipal Boards of Appeal Are Not Public Records."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

**Non-Concurrent Matter**

Bill "An Act To Ensure Proper Adoption of Rules by All Departments, Agencies and Boards"

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on June 5, 2015.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 136 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

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

(H.P. 94) (L.D. 136)

(C. "A" H-163)

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

Representative **MONAGHAN**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, as you know, this was one of the 10 bills vetoed in the recent activity of the Chief Executive. Just want to clarify the importance of this bill.

This bill protects the privacy of those who may have disabilities in a town or in a municipality that require some variance or upgrades in construction, you know, for sidewalks and sidewalk pavement. So, I hope you will override this veto because it is a very important bill and it will help and protect the privacy of some of those that have disabilities in the municipalities that we all live in. Thank you.

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

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

**ROLL CALL NO. 180V**

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

NAY - NONE.

ABSENT - Devin, Kinney M, Powers, Stuckey, Mr. Speaker.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 198)

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

June 8, 2015

The 127th Legislature of the State of Maine  
State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 206, "An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 206 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

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

(H.P. 149) (L.D. 206)

(C. "A" H-165)

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

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

**ROLL CALL NO. 181V**

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

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

NAY - Black, Crafts, Dillingham, Greenwood, Hilliard, Long, Lyford, Pierce J, Stetkis, Timberlake, Timmons, Wood.

ABSENT - Devin, Kinney M, Stuckey, Mr. Speaker.

Yes, 135; No, 12; Absent, 4; Excused, 0.

135 having voted in the affirmative and 12 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 199)

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

June 8, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 263, "An Act To Provide a Minor with a Defense to Prosecution in a Situation That Involves Risk of Alcohol Overdose."

While I understand the intent of this bill and believe it to be benign, the true effect will be a contribution to the growing pattern of babying our children to such a degree that they are prevented from becoming responsible adults who understand the principle of accountability.

As children mature, their mission is to learn life lessons that enable them to function as contributing members to our society. One of life's most valuable lessons is that our choices have consequences. Legislation of this sort, while well-intentioned, does not help young people learn this lesson because it actually rescues them from the natural repercussions of their own decisions. I cannot support legislation that pampers children who engage in illegal behavior by removing the unpleasant consequences of their conduct.

Our Legislature has made underage drinking a crime. The commission of a crime should have consequences that deter the criminal conduct. By removing those consequences, we send the message that disobeying the law is acceptable, and even worse, that accountability is something to be avoided.

For this reason, I return LD 263 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/ Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

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

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

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

Representative **MAKER**: Mr. Speaker Pro Tem and Ladies and Gentlemen of the House, I want to tell you a little bit about this bill. I was approached by a young man who attends the University of Maine in regard to it. He asked me if I would be willing to submit this for the students in Maine. Because of the experience of death of a young man at the community college where I worked, when he died choking on his own vomit after drinking the night before in Canada, I was elated to do so. You see, the drinking age in Canada is 19 years old. The students resided in an apartment on campus, and the following morning the other young men went to class and left the young man in his bed. It makes me wonder if this bill was law back then if they would've called for help.

I agree with the Texas Senator Kirk Watson when he said the following: "We are convinced that one of the problems with getting kids under these circumstances to make the phone call is the fear they will get in trouble if they make that phone call. They are engaging in conduct that they may be in violation of a law, so they can't make the phone call." 9-1-1 lifeline legislation is basically the State of Texas saying to the kids, "We don't want you to be fearful that if you make that call they may save their life, that you will be in trouble."

So what does this law do? It grants a defense as it relates to alcohol type of activity for the minor who makes the phone call and gets emergency services there and they have to stay. They have taken on some responsibility as part of this. If this is the case, they're going to be prosecuted. For example, a minor in possession or some sort of alcohol-related criminal activity. Those states that worry about, "Well, are we making it easier for these young people to drink?" I think what this legislation says is we're not making it easier for them to drink, we're making it easier for them to save someone's life. My guess is that all of us, at one time or another, stepped off the narrow path that our parents would've had us walking.

As parents, we have to recognize that might happen no matter how good that we are, no matter how convincing that we may be, part of growing up and part of life is maybe doing some things we wouldn't want them doing. How can I still protect them? Even under these circumstances, how can I protect them as a parent? One way is for them to know that if you ever in a bad situation, there's a law out there that will protect you. Utilize a law like this to make sure your friend, or someone else's there with you, doesn't die. I want to make sure that you realize that anyone who breaks the law, furnishes a place for a minor, drive under the influence, etc. will be charged. The only one that can use a defense is the person possession by consumption and it's only for the one calling for help.

I would like to give a voice to one of the young men that I did the bill for. In the rush by Maine legislators to approve the state budget and consider the plethora of vetoes handed down by the Chief Executive, several important pieces of legislations are bound to fall through the cracks. However, there's one recently vetoed bill that must not be overlooked, LD 263, which would provide much-needed protection to young adults, and potentially save lives all across Maine. LD 263 is a bipartisan and commonsense bill, which would function by ensuring so-called medical amnesty for intoxicated minors. It would provide minors with a very limited amount of legal defense; if they choose to seek emergency care for themselves or for another intoxicated minor who is suffering from a serious health condition.

Currently, intoxicated minors who are suffering from a serious medical emergency face a life or death decision. They can choose to call 9-1-1 or visit a hospital and receive medical

attention, but also subjecting themselves to criminal punishment. Or they can choose to forego care and simply hope for the best. Unfortunately, many college students choose the latter and risk serious injury, or worse because of the fear of being charged with an underage drinking offense.

A study by Cornell University found that 19 percent of college students were in a situation where medical care should've been administered to an intoxicated individual. Only four percent of college students called for medical attention. But LD 263 would attempt to ease this difficult decision and make progress toward reducing alcohol-related injuries, a leading cause of death among young people.

Medical amnesty would not be a license for minors and college students throughout Maine to consume alcohol without any fear of retribution. It would not provide protection to minors who engage in other alcohol-related criminal activity, such as driving under the influence, property destruction, assault, or other illegal behavior. Instead, it would be a commonsense measure that simply ensures intoxicated minors are not discouraged from seeking medical care by the fear of being charged with the consumption of alcohol. It would be an acknowledgement that although minors do not deserve a free pass for breaking the law, no college student or young adult deserves to suffer or be placed with death because of that decision to consume alcohol. Medical amnesty would be a wise move that provides safety and security for the younger generation and allow minors to make responsible decisions regarding medical care for themselves and those around them. Twenty-seven states and Washington, D.C., have passed medical amnesty laws. In states that have adopted medical amnesty, there have been absolutely no increase in alcohol-consumption among college student. Instead, alcohol consumption levels have remained constant or decreased, while calls for medical attention have been increased dramatically.

In short, medical amnesty leads to more young adults seeking out and receiving medical care when they need it and it decreases the risk of unnecessary injuries and fatalities among the future generation. Maine legislators should consider all the facts surrounding medical amnesty and think of the lives that could be saved when voting on this bill. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair would remind all Members that when speaking of the Governor during debate, please refer to the Governor as the Chief Executive. And furthermore, I remind folks of the decorum in debate, Section 124, in regards to personalities not permitted in debate. In debate, a Member may confine remarks to the question before the house, and avoid personalities.

The Chair reminded all members when they are referencing the Governor that they refer to him as the Chief Executive, and to confine their debate to the question before the House and avoid personalities.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, I rise as a member of the Criminal Justice and Public Safety Committee and I'd like to thank publically Representative Maker, of Calais, and Lee Jackson for their leadership in pushing medical amnesty forward. This bill is championed by young Mainers all across the state. This has been endorsed by the bipartisan Youth Caucus.

I have to agree with the Chief Executive's letter where he says that choices should have consequences. However, it's hard to have a defense and it's hard to have accountability when you're dead. This is a very serious topic, Mr. Speaker Pro Tem, and I think it's really important to recognize what we're trying to accomplish. The issue we're trying to fix is just allowing young

people to make the call. Right now, young people put in these difficult situations are fearing their own public safety over saving someone's life. It could be the life of themselves or someone close to them. We need to make sure that these lives are saved, and then we can focus on accountability.

And what the bill does, and this is really the brilliance in crafting this particular piece of legislation, is that it just provides a defense that if an individual makes that so important call, to call 9-1-1 and say, "You know what, save this person's life," that that person can have a defense going through the judicial process. So, I don't think it just alleviates the ability for the judicial process to work itself out. It still has accountability for the actions you have to take. And those individuals have to account for those actions.

But when we heard, Mr. Speaker Pro Tem, before our committee individuals coming before us sobbing because their friend died because they didn't make the phone call because they were freaked out for making that so important phone, dialing three numbers, Mr. Speaker, to save their friend's life. That's what this bill does. It is a commonsense piece of legislation and I would urge each and every one of us to recognize that and vote green for medical amnesty.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of overturning this veto. As the good Representative from Saco mentioned, this bill had been endorsed by the Youth Caucus, but I rise today to briefly say why I personally feel it's so important for this bill to go into law.

I went to Smith College in North Hampton, Massachusetts, and this is something that I saw happen. We had a young girl pass away while I was in school. Her friends were scared to call. They were afraid that they might be punished and she ended up passing away in her dorm room. I remember—I worked in residence life—I remember watching young students who were freshmen on campus who made a bad decision and had drunk. And I remember listening to friends telling them to just hide in the closet until they sobered up. And when I saw that firsthand, I decided that couldn't happen again.

So, I started working on ways to make students aware that when someone has had too much alcohol, it is a real medical problem. You can't just sober up in a closet. They need to seek medical help and then face the consequences of what they've done. But the consequences of not calling for help are death. I ran for House President of my dorm in college so I could be a source for students when they had drunk too much or overdosed to come see me so that they could seek medical attention. And even with me being a confidential source, I saw the fear in some of these students' eyes. They were scared because they knew they'd made a bad decision or they had found their friend in an area of medical emergency and they didn't know what to do.

This is something that is crucial. This is something that'll save lives. You know, everyone makes mistakes. But the consequence shouldn't be jail time or death. It should be getting help and then realizing you need to discuss it with the student about what happened and how this doesn't happen again. So I beg you to overturn this veto, not only for all the reasons I just mentioned, but for all the students whose lives we could save.

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

The SPEAKER PRO TEM: The pending question before the House is 'Shall this Bill become a law notwithstanding the

objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 182V**

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, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Crafts, Dillingham, Dunphy L, Farrin, Greenwood, Hanington, Hanley, Head, Hilliard, Lockman, Long, Lyford, Nutting, O'Connor, Parry, Pickett, Pierce J, Prescott, Stetkis, Timberlake, Timmons, Turner, Vachon.

ABSENT - Devin, Kinney M, Stuckey, Mr. Speaker.

Yes, 124; No, 23; Absent, 4; Excused, 0.

124 having voted in the affirmative and 23 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 200)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 488, "An Act To Expand the Scope of Practice for Denturists." As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 488 unsigned and vetoed.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

The accompanying item An Act To Expand the Scope of Practice for Denturists

(H.P. 327) (L.D. 488)

(C. "A" H-130; H. "A" H-169)

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, first I'd like to thank the LCRED Committee for coming up with a unanimous report. Basically, this is a pro-business bill that removes old regulations. All it would do is allow denturists in Maine to manufacture sport mouth guards and provide teeth whitening services. If this bill passes, these products would be made in Maine by Maine businesses. So I ask that you help me by overturning the veto. Thank you very much, Mr. Speaker.

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

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

**ROLL CALL NO. 183V**

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, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Devin, Hickman, Kinney M, Stuckey, Mr. Speaker.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 201)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 700, "An Act Regarding the Industry Partnership Assistance Collaborative's Grant Program."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 700 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise as the sponsor of this piece of Legislation. I submitted this bill on behalf of the Department of Labor. It received a unanimous report in committee. This bill was aimed to improve the industry Partnership Assistance Collaborative's Grant Program to encourage more private sector businesses to participate in the program. The changes will reduce the cost to private sector businesses. If this bill is vetoed, businesses will have to pay more to participate in this program.

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

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

**ROLL CALL NO. 184V**

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, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson,

Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Hilliard.

ABSENT - Devin, Kinney M, Stuckey, Mr. Speaker.

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

146 having voted in the affirmative and 1 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 202)

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

June 8, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 776), "An Act To Update the Validation of Miscellaneous Defects and Defective Acknowledgments in the Conveyance of Real Estate."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 776 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

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

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

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

Representative **HOBBS**: Thank you very much, Mr. Speaker and Women and Men of the House, I rise today just to give you a brief explanation of this bill. First of all, I want to thank my diligent and hardworking members of the Judiciary Committee for, again, coming up with a unanimous Ought to Pass Report on this particular bill.

This bill was brought to my attention by Sam Kilbourn, the Chair of the Validation Subcommittee of the Maine Bar Association's Real Estate and Title Section. This bill was presented by Mr. Kilbourn and he told our committee that it was a



housekeeping measure and that periodically we, in the Legislature, need to pass a bill to deal with certain defects in deeds and other real estate documents.

We have been doing this on an average of every 14 years since 1927. The last time this was done was in 2001. So, it seems appropriate that it should be done again at the recommendation of those who know much more about this than the members of our committee. We felt that they made a very valid and cogent argument, and I would appreciate, with due respect to the Chief Executive, that we override this veto.

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

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

**ROLL CALL NO. 185V**

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, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Devin, Kinney M, Stuckey, Mr. Speaker.  
Yes, 147; No, 0; Absent, 4; Excused, 0.

147 having voted in the affirmative and 0 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 203)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 788, "An Act To Improve the Health of Maine Citizens and Safety of Pedestrians."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 788 unsigned and vetoed.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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

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

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to explain what this bill does, or hopes to do. It codifies the pedestrian bill with the cycling bill. They were both already in statute; just wanted to make it so that they were the same. I just wanted to point out as well that this was a unanimous report out of committee with two work sessions. Thank you.

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

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

**ROLL CALL NO. 186V**

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

NAY - Austin, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanington, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Lockman, Long, Lyford, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Tuell, Vachon, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Devin, Kinney M, Stuckey.  
Yes, 92; No, 56; Absent, 3; Excused, 0.

92 having voted in the affirmative and 56 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 204)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 892, "An Act To Amend Certain Laws Affecting the Judicial Branch."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 892 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

The accompanying item An Act To Amend Certain Laws Affecting the Judicial Branch

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

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

Representative **MONAGHAN**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, so this is another bill that was my bill and it just aims to create some efficiencies to make the courts run smoother. Also allows payments of fines and fees that will raise from \$250, I believe, to \$500, so that makes more money coming into the court system. So I hope you will support this and override the veto. Thank you.

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

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

**ROLL CALL NO. 187V**

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,

Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Stanley, Stearns, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor.

NAY - Hanley, Lockman, Long, Lyford, Pickett, Pierce J, Skolfield, Stetkis, Timberlake, Timmons, Turner, Wood.

ABSENT - Devin, Kinney M, Stuckey, Mr. Speaker.

Yes, 135; No, 12; Absent, 4; Excused, 0.

135 having voted in the affirmative and 12 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 205)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 987, "An Act To Suspend the Right of an Out-of-state Toll Violator To Operate a Motor Vehicle on Maine Roads."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 987 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

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

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

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

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I submitted this bill on behalf of Peter Mills and the Maine Turnpike Authority and, as usual I appreciate the good and unanimous work of the Transportation Committee on this particular piece of legislation.

What this bill does is it allows the Maine Turnpike Authority, in collaboration with the Secretary of State, to suspend the right of out-of-state toll violators. It's a fairly big issue on the Maine Turnpike. We lose a significant amount of money every year from those who choose not to pay the tolls, and so this would allow the Turnpike Authority, as well as the Secretary of State, to suspend the right to operate until that particular liability is paid by that operator. I would urge all of you to override this veto. Thank you very much.

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

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to stand and agree with my good House Chair on this bill. It's turning into a real problem out on the Turnpike and we figured that we needed to give the Turnpike and Secretary of State's Office this tool to collect these out-of-state toll violators. Thank you.

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

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

**ROLL CALL NO. 188V**

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, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Devin, Fredette, Kinney M, Stuckey, Mr. Speaker.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

The Following Communication: (H.C. 193)

**TOWN OF JAY  
340 MAIN STREET  
JAY, MAINE 04239-1697**

June 3, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

RE: LD 281, Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company and To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company

Dear Clerk Hunt:

Attached is an attested town resolution in support of LD 281, as it was amended by the committee's majority report (Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company, To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company, To Modify the State Valuation of the Town of East Millinocket to Reflect the Loss in Valuation of Great Northern Paper, and To Modify the State Valuation of the Town of Jay to Reflect the loss in Valuation of Verso Paper Company). On behalf of the Town of Jay, I request that this resolution be posted on the House Calendar. I sincerely appreciate your consideration of this request.

Sincerely

S/Shiloh LaFreniere

Town Manager, Jay

**RESOLUTION OF THE  
TOWN OF JAY  
SELECT BOARD**

It is hereby resolved that the Town of Jay supports legislation to modify the revenue sharing and general purpose aid for education formulas to protect the Town of Jay from the severe reduction of these funds resulting from the reduced valuation of the Androscoggin Mill.

Given under our hands at Jay, Maine this 23rd day of February, 2015.

Select Board, Town of Jay

S/Steven McCourt

S/Justin Merrill

S/Pearl Cook

S/Thomas Goding

S/Timothy DeMillo

A True Copy

Attest: S/Ronda L. Palmer

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 194)  
**TOWN OF SKOWHEGAN**  
**TOWN MANAGER**  
**225 WATER STREET**  
**SKOWHEGAN, MAINE 04976**

June 3, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

RE: LD 281, Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company and To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company

Dear Clerk Hunt:  
Attached is an attested town resolution in support of LD 281, as it was amended by the committee's majority report (Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company, To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company, To Modify the State Valuation of the Town of East Millinocket to Reflect the Loss in Valuation of Great Northern Paper, and To Modify the State Valuation of the Town of Jay to Reflect the loss in Valuation of Verso Paper Company). On behalf of the Town of Skowhegan, I request that this resolution be posted on the House Calendar. I sincerely appreciate your consideration of this request.  
Sincerely  
S/Christine Almand  
Town Manager, Skowhegan

---

**RESOLVE OF THE**  
**TOWN OF SKOWHEGAN**  
**BOARD OF SELECTMEN**

It is hereby resolved that the Town of Skowhegan supports legislation to modify the revenue sharing and general purpose aid for education formulas to protect the Town of Skowhegan from the severe reduction of these funds resulting from the reduced valuation of the Sappi Paper Mill.

In Testimony Whereof, we have hereunto set our hand and caused to be affixed the Great Seal of the Town of Skowhegan in the State of Maine this 1st day of June in the year of 2015.

S/Betty Austin, Vice Chairman  
S/Darla Pickett, Selectman  
S/Donald Skillings, Selectman  
S/Paul York, Selectman  
A True Copy Attest:  
S/Gail R. Pelotte, Town Clerk

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 195)  
**TOWN OF EAST MILLINOCKET**  
**53 MAIN STREET**  
**EAST MILLINOCKET, MAINE 04430-1199**

June 3, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

RE: LD 281, Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company and To Modify the State

Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company

Dear Clerk Hunt:  
Attached is an attested town resolution in support of LD 281, as it was amended by the committee's majority report (Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company, To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company, To Modify the State Valuation of the Town of East Millinocket to Reflect the Loss in Valuation of Great Northern Paper, and To Modify the State Valuation of the Town of Jay to Reflect the loss in Valuation of Verso Paper Company). On behalf of the Town of East Millinocket, I request that this resolution be posted on the House Calendar. I sincerely appreciate your consideration of this request.

Sincerely  
S/Angela L. Cote  
Administrative Assistant, East Millinocket

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**RESOLUTION OF THE**  
**TOWN OF EAST MILLINOCKET**  
**SELECTMEN**

It is hereby resolved that the Town of East Millinocket supports legislation to modify revenue sharing and general purpose aid for education formulas to protect the Town of East Millinocket from the severe reduction of these funds resulting from the reduced valuation of the Great Northern Paper Mill.

Given under our hands at East Millinocket, Maine this 2nd day of June, 2015.

East Millinocket Board of Selectmen  
S/Mark C. Scally, Chairman  
S/Clint Linscott  
S/Gary MacLeod  
S/Mark Martson  
S/Kelly Michaud  
A True Copy Attest:  
S/Erica Ingalls, Town Clerk

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 196)  
**TOWN OF MADISON**  
**26 WESTON AVENUE**  
**MADISON, MAINE 04950-0190**

June 3, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

RE: LD 281, Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company and To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company

Dear Clerk Hunt:  
Attached is an attested town resolution in support of LD 281, as it was amended by the committee's majority report (Resolve, To Modify the State Valuation of the Town of Madison To Reflect the Loss in Valuation of the Madison Paper Company, To Modify the State Valuation of the Town of Skowhegan To Reflect the Loss in Valuation of the S.D. Warren Company, To Modify the State

Valuation of the Town of East Millinocket to Reflect the Loss in Valuation of Great Northern Paper, and To Modify the State Valuation of the Town of Jay to Reflect the loss in Valuation of Verso Paper Company). On behalf of the Town of Madison, I request that this resolution be posted on the House Calendar. I sincerely appreciate your consideration of this request.  
Sincerely  
S/Tim Curtis  
Interim Town Manager, Madison

**RESOLUTION OF THE  
TOWN OF MADISON  
SELECT BOARD**

It is hereby resolved that the Town of Madison supports legislation (LD281) to modify the revenue sharing and general purpose aid for education formulas to protect the Town of Madison from the severe reduction of these funds resulting from the reduced valuation of Madison Paper Industries (UPM Madison).  
Given under our hands at Madison, Maine this 2nd day of June, 2015.  
Madison Select Board  
S/Albert Veneziano, Chair  
S/Jack Ducharme, Vice Chair  
S/Michael Edgerly  
S/Paul Fortin  
S/Cyprien Johnson  
A True Copy Attest:  
S/Kathy Estes, Town Clerk  
**READ and ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 191)

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

June 9, 2015  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Eves:  
Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"  
Inland Fisheries and Wildlife  
L.D. 801 An Act To Ensure Safe and Humane Bear Hunting Practices  
State and Local Government  
L.D. 957 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for the Popular Election of the Attorney General, Secretary of State and Treasurer of State  
L.D. 1012 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Terms of Senators  
S.P. 499 JOINT RESOLUTION Making Application to the Congress of the United States Calling a Constitutional Convention to Propose An Amendment to the United States Constitution to Require a Balanced Federal Budget and Further Fiscal Restraints

Taxation  
L.D. 95 An Act To Provide Income Tax Relief  
Sincerely,  
S/Robert B. Hunt  
Clerk of House  
**READ and with accompanying papers ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 414)

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

June 8, 2015  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:  
Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Energy, Utilities and Technology on Bill "An Act To Remove the 100-megawatt Limit on Hydropower under the Renewable Resources Laws" (H.P. 90) (L.D. 132), 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 Health and Human Services on Bill "An Act To Improve Program Integrity Activities within the Department of Health and Human Services" (H.P. 288) (L.D. 421), in non-concurrence.  
Best Regards,  
S/Heather J.R. Priest  
Secretary of the Senate  
**READ and ORDERED PLACED ON FILE.**

**ORDERS**

On motion of Representative CHAPMAN of Brooksville, the following Joint Resolution: (H.P. 988)  
**JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESOLVE THE ISSUE OF CAMPAIGN FINANCE**  
WHEREAS, the first president of the United States, George Washington, stated "The basis of our political systems is the right of the people to make and alter their Constitutions of Government"; and  
WHEREAS, James Madison stated that the Congress of the United States should be "dependent on the people alone"; and  
WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on those who spend excessively in elections or through elections or third-party groups; and  
WHEREAS, the United States Supreme Court ruling in Citizens United v. Federal Election Commission removed restrictions on amounts of independent political spending; and  
WHEREAS, the removal of those restrictions has resulted in the unjust influence of powerful economic forces, which have supplanted the will of the people by undermining our ability to choose our political leadership, write our own laws and determine the fate of our State; and

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution that addresses concerns about the removal of restrictions on amounts of independent political spending through Citizens United v. Federal Election Commission and related cases and events including those occurring long before or afterward or for a substantially similar purpose, and desires that the requested convention should be limited to that purpose; and be it further

RESOLVED: That this State desires that the delegates to the requested convention be comprised equally of individuals currently elected to state and local office or be selected by election in each congressional district for the purpose of serving as delegates, that all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the requested convention and that the State intends to retain the ability to restrict or expand the power of its delegates within the limits expressed in this paragraph; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V until at least two-thirds of the legislatures of the several states have made similar application pursuant to Article V but, if Congress proposes an amendment to the United States Constitution identical in subject matter to that contained in this Joint Resolution, this application for a constitutional convention is no longer of any force or effect; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such a specific and exclusive purpose; and be it further

RESOLVED: That this body proposes that the legislatures of the several states comprising the United States apply to the Congress requesting the enactment of appropriate amendments to the United States Constitution or requiring the Congress to call a constitutional convention for proposing such amendments to the United States Constitution; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislature of each of the several states in the nation, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

**READ.**

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

Representative **CHAPMAN**: Thank you, Mr. Speaker Pro Tem, this Resolution differs from the one that was Tabled yesterday. This one is wording circulating nationally by a group known as Wolf PAC. I note that paperwork regarding this Resolution has been made available to you today. Please hang on to it until the matter is voted on. Mr. Speaker, when the vote

is taken, I request that it be taken by the "yea's" and "nay's." Thank you, Mr. Speaker.

The same Representative **REQUESTED** a roll call on **ADOPTION**.

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

On motion of Representative GIDEON of Freeport, **TABLED** pending **ADOPTION** and later today assigned. (Roll Call Ordered)

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**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Southern York County Toys for Tots, of Sanford and Springvale, for its successful 2014 campaign and Christmas toy distribution for children and teens of the Sanford area held on December 19 and 20, 2014 at St. Ignatius Church in Sanford and also on December 17, 2014 at St. Christopher Church in York. Carol Lombard and Pam Belisle, coordinators, and their team worked all year collecting and sorting toys for the 2014 campaign and provided a joyful experience for parents to shop for gifts for their children. The United States Marine Corps Reserve League No. 1341, of Sanford, along with over 200 individuals, including Sanford Police Cadets and Jobs for Maine's Graduates students, participated in support of this wonderful effort. Toys for Tots is a program of the Marine Toys for Tots Foundation. We send our appreciation to the many people involved in this successful and worthwhile event;

(HLS 599)

Presented by Representative MASTRACCIO of Sanford. Cosponsored by Representative HYMANSON of York, Representative NOON of Sanford, Senator WOODSOME of York.

On **OBJECTION** of Representative MASTRACCIO of Sanford, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **MASTRACCIO**: Mr. Speaker, Women and Men of the House, I rise today to thank the hundreds of dedicated volunteers who contribute their time to this incredible program in Maine, and especially those who donate to and volunteer all year long with Southern York County Toys for Tots and United States Marine Corps Reserve League 1341 of Sanford. The mission of the Toys for Tots program is to collect new toys during the holiday season each year and distribute Christmas gifts to less fortunate children in the community.

Since its founding in 1947 by Major Bill Hendricks, the program has expanded into a nationwide community action project that has distributed over 469 million toys nationally, helping to brighten the holiday season and lift the spirits of children and their families throughout Maine and across the country. A gift on Christmas not only brings joy to children in need, it can also create a sense of hope that can have a lasting impact on the lives of Maine's most vulnerable. With only 199 days 'til Christmas, we thank you for your ongoing dedication and commitment to this important task. Thank you, Mr. Speaker.

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

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**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Promote Equity in the Joint and Several Liability Law in Maine"

(S.P. 163) (L.D. 434)

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

HOBBINS of Saco

EVANGELOS of Friendship

McCREIGHT of Harpswell

MONAGHAN of Cape Elizabeth

MOONEN of Portland

WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-125)** on same Bill.

Signed:

Senators:

BURNS of Washington

VOLK of Cumberland

Representatives:

GINZLER of Bridgton

GUERIN of Glenburn

HERRICK of Paris

SHERMAN of Hodgdon

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

**READ.**

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That 5 Percent of Signatures on a Direct Initiative of Legislation Come from Each County

(S.P. 272) (L.D. 742)

Signed:

Senators:

CYRWAY of Kennebec

COLLINS of York

Representatives:

LUCHINI of Ellsworth

DILLINGHAM of Oxford

GOLDEN of Lewiston

HANINGTON of Lincoln

KINNEY of Limington

SAUCIER of Presque Isle

SCHNECK of Bangor

TURNER of Burlington

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

LONGSTAFF of Waterville

MONAGHAN of Cape Elizabeth

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-129)**.

**READ.**

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

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 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. The people who founded our State Constitution put in it a requirement and an opportunity for people to be able to petition their government and I don't believe that we should be mucking with that.

This bill, while it does not, in its amended form, would require that 10 percent of the vote, actually it's very confusing how the amended version is written. Both CD 2 and CD 1 would have to collect 10 percent of the previous gubernatorial election. Currently, all you have to collect is 10 percent across the board, across the state. I understand the idea behind this is to make sure that there is representation from both CD 1 and CD 2. I get that. But the reality is that you can't just collect signatures in Portland in order to be able to get on the ballot, which is what people think actually happens.

When I've worked on citizen's initiatives, we have spent a significant amount of time in the Second Congressional District because, actually, contrary to what you would think, the Second Congressional District is a fantastic place to collect signatures. I spent, for the Opportunity Maine initiative, a significant amount of time in the midcoast and in the Bangor area collecting signatures. I personally collected about 5,500 signatures. I would argue that 75 percent of that was collected in the Second Congressional District. There is a significant amount of work that goes on in the Second Congressional District in order to get the petitions on the ballot.

The one thing I would say is that one of the things that we have been trying to get to is the out-of-state groups that come in, the companies that come in, and they hire a caller from out-of-state who talks about what the petition is and then you have a registered Maine voter. We already passed a bill that addresses that. This bill before you, this Constitutional amendment, would actually make it harder for homegrown initiatives to be able to get on the ballot. This would make it significantly harder for everyday Mainers to start a petition to petition their government. It would not make it any harder or any easier for an out-of-state company to come in and be paid to collect those signatures, to manage that process. It actually makes it easier for out-of-state interests to be able to do that as opposed to folks who are actually doing

the grassroots work here in Maine, like they're doing on a whole host of initiatives right now.

I can't imagine anybody wanting to be on the record to make it harder for people to access their democracy. I can't imagine anybody wanting to be on the record to make it harder for people to petition their government, something that is absolutely fundamental to the Constitution of Maine. This bill does both of those things. It makes it very hard for people to actually petition their government, it makes it harder for them to access their democracy, and I would argue that this is very much a bill that I understand its intents, but I think the outcomes hurt Maine people in being able to petition their government. So, I would argue that you should vote against the pending motion and Ought Not to Pass. This does not help people access their democracy, it does just the contrary. It will shut down everyday voices from the petition process. Thank you, Mr. Speaker.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I, too, rise in opposition to the pending motion. I know that there's an intent around supporting this to make it fair across the state, but I rise as somebody that represents a city in the Second Congressional District, also lived in Calais, Hodgdon, Monticello, and Orono.

The way I see it right now, your idea is not going to pass a statewide vote if you don't have some type of presence in the Second Congressional District. I think it's hard to collect the signatures and I think that people go to collect the signatures where there are people, and that includes Bangor and Lewiston. Really haven't heard of many successful statewide referendums that don't have a statewide presence, so I'm not sure that this actually fixes the problem.

I grew up in household where people got sick of voting on widening the turnpike, talked about that a lot. I understand that there's a discrepancy in terms of what winds up on the ballot. I don't see how this fixes it. I agree with the Representative from Portland that it probably makes things a lot harder. It's a process that's been around for 100 years and I would hope that we would oppose the pending motion.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I look at this bill as amended as sort of a feel good measure that doesn't really accomplish anything. All of the referendums in recent history have already collected signatures from both congressional districts, even the contentious bear referendum conducted a significant number of signatures from the Second District, as well as the First.

However, it does start us down a road that I don't want to go down and that is making it difficult, more difficult, to put things on the ballot. If we start going down this road, we could have a whole host of other restrictions that could come into play, which I don't want to see happen. And I don't think our constituents sent us here to make it harder for them to put things on the ballot, so I'll be voting "no." Thank you.

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

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. The Veterans and Legal Affairs Committee heard a couple of bills in regard to this present situation and quite a few organizations and people did testify in favor of the pending motion. And what brought the motion to the forefront is the simple fact that if somebody wants to collect signatures, they weren't collecting signatures throughout the state. They were

finding it much easier to hit the large parking lots of the Portland area and go ahead and collect their signatures in the case if they needed 60 or 63,000. As many as 40 or 45,000 would have come from the Portland area.

And as you think about the State of Maine, you know, I love to bird hunt up in the Portage area. So if I leave Limington first of October instead of going to the Fryeburg Fair, it's a seven-hour ride. And if I take Route 11, off at Newport because I want a break, I get to ride through Corinna, East Corinth, LaGrange, Bradford, all those little towns. This bill helps. This bill, or this Constitutional Amendment, will ensure that 10 percent of the signatures needed are coming out of northern Maine, or the Second District, or rural towns and even Denmark or Porter. And I just think it's a great avenue and it sure is a help for the people in the other end of Maine. Thank you, Mr. Speaker.

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

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, I stand in strong support of the pending motion. I think we've heard from some previous speakers about how hard it is to gather signatures, and I believe that that was the way it was supposed to be when they set up the process in the Constitution.

However, and I agree, that with grassroots campaigns to petition the government it can be difficult, there's no doubt. But what we've seen lately is out-of-state corporations and interests coming into the state and paying to have signatures gathered for other groups. I don't see what the problem is with having half the signatures come from the First District and half from the other district, the Second District. So, I would strongly urge you to support this motion and hope that we get two-thirds to pass and send the matter out to the people. Ultimately, they're the ones that will decide the matter. Thank you very much.

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

Representative **TUELL**: Thank you, Mr. Speaker, I also rise in support of the pending motion and I would like to compliment the committee for passing this. I think it's a good way to show respect that we are one state. And sometimes people tend to forget that, both ways, on any given issue, we are one state. And this reiterates, amplifies, and says that loud and clear.

I know Washington County can sometimes be a boot in the state's rear, if you will, but the reality of it is, this whole state, the First and Second Congressional District, need equal, fair, balanced representation, and I'm encouraged that both the Representative from Limington and Standish are on board with this, and I would strongly urge you to support the pending motion. Thank you, Mr. Speaker.

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

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'll be brief. I think this is the third or fourth legislative day in a row we've considered amending the Constitution to fix a perceived problem. I don't think every solution requires a Constitutional Amendment and I just want to make that clear. That's not always the path we should be going down.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise also to support the Majority Ought to Pass as Amended Report. The goal of this legislation, as we worked in the committee, certainly wasn't to make it more difficult to do one of the citizen initiative process,



but rather to ensure that the initiative has the true statewide support from all parts of the state.

And this issue really came to light during the recent bear referendum. When you look at some of the numbers on where the signatures were gathered, the Sportsman Alliance gave us some numbers that approximately 75 percent of the signatures were gathered in the First Congressional District. When you add in Lewiston-Auburn and Bangor, that moves up to 85 percent, so the rest of the Second CD accounts for about 15 percent total.

So the question that we pondered in committee was whether or not we thought this was right. And while this one referendum may not be indicative of what happens in every referendum, it certainly shows what can happen, and the majority of 10 of us on the committee thought having a geographical requirement was a legitimate way to ensure that we had statewide support on this.

And further, a requirement or a measure like this isn't unprecedented. There are 24 states in the country that offer a citizen-initiated process. Twelve of those states have some sort of geographical restriction to ensure that the state has full support. This was upheld in Nevada, the state that this is modeled on, in the 9th Circuit Court of Appeals. I think it's a pretty simple measure. It'll help enhance the credibility of the process and would ensure that we have truly statewide support on these initiatives. So, for those reasons, I urge you to support the Majority Ought to Pass as Amended Report. Thank you, Mr. Speaker.

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

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I also rise in support of the pending motion. While out campaigning last year, I had hundreds of conversations with constituents of mine in regards to Question 1, the bear referendum. And regardless of the position they took on the issue, they were pretty well united in their dissatisfaction with the process of bringing the question of referendum.

Two things that bothered them: One was the involvement of out-of-staters and their gathering of signatures, and the other issue was the fact that most of the signatures on those petitions came from the southern part of the state. I do believe that we passed some legislation here that addresses the out-of-state involvement in the gathering of signatures with LD 176, and I believe that the passage of LD 742 will address the other issue and bring fairness to the referendum process, to the rural state of Maine. Thank you, Mr. Speaker.

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

Representative **CHENETTE**: Thank you, Mr. Speaker, I rise in opposition to the pending motion. I keep hearing this idea that we should vote for this because we are one state. I would argue that this actually is dividing us. Right now, you can collect signatures from across the state. Why is one particular area more important than the other? If we are truly one state, then let's treat us like one state. Your vote is just as important as my vote, so why are we dividing us? Why are we setting those parameters?

If the individuals collecting signatures for a particular referendum don't do their due diligence in getting statewide support in their collection of their signatures, that's on them and then the initiative fails. Why is that our responsibility to dictate those terms? Thank you, Mr. Speaker.

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, I support wholeheartedly 742.

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

Representative **RUSSELL**: Thank you, Mr. Speaker, I apologize for rising a second time, Ladies and Gentlemen of the House, but I wanted to correct a couple things for the record. First, you can't necessarily collect in big parking lots because they tend to be private property. You have to collect on sidewalks, and those tend to be public sidewalks. Shaw's used to allow you to collect signatures in their parking lots and in their place if you did it ahead, but after one of the marriage campaigns, the people's veto, they decided against it. So, it's very difficult to collect signatures unless you are on the sidewalk, so there's no massive collecting, for the most part, in parking lots. We've actually tried to look at legislation to allow that and authorize that, but it's not happening.

You know, someone also said that this is 10 percent coming from CD 2. That's wrong. It means that 10 percent of the gubernatorial election needs to come from CD 2. It's not 10 percent of the overall amount. Someone mentioned that paid signature gatherers are a big deal. Paid signature gatherers are the norm. It would be lovely to have all volunteer initiatives, but I think you'll find that, for the most part, anyone who's trying to gather 62,000 registered Maine voter signatures that they will do it somewhat in volunteer and somewhat in paid signature gatherers.

The other piece of this that I don't think people understand is that you won't know where your signatures are necessarily coming from until the validation process is over. And the validation process often happens at the 11th hour because you're trying to get those petitions to the town clerks, so you won't necessarily know that you've met that threshold until the very end, even if you've done everything in your power to try to get this collected in other parts of the state.

The other piece that folks have said is important to remember is that a petition, we're only asking people to get on the ballot; we're not asking about the election. The election only passes if the state voters pass it and as we saw with the bear hunting referendum is arguably as frustrating as it was, I voted against the bear referendum. As difficult as it was, it only passes if the state passes it and the bear referendum, they voted against it, as I think they should have. And just as a key example to that, I heard about Washington County, I was there this weekend talking to voters about a referendum that I'm working on on the ranked choice voting, you have to go all across the state to educate people about the referendum that you're putting forth and I have been all over the state talking about that particular referendum. You cannot just win in Portland and you cannot just get it on the ballot in southern Maine.

Yes, I disagree that the folks that collected for the bear baiting spent a significant portion of their time in the southern part of the state, that's unfortunate, but if you look at the broad array of public citizen's initiatives that have done collection, almost all of them have gotten a wide swath of their signatures from the Second District in the state and frankly, those are some of the best places to collect. In Orland, in one night, we collected over 400 signatures in four hours for the Opportunity Maine citizen's initiative. Nobody here thinks about going to collect signatures in Orland, but I can tell you it's one of the best places to collect. Camden, Bangor, those are great places to collect. Even the smallest of small towns are fantastic places to collect signatures and most of those you'll find in the Second Congressional

District. Let's not end people's ability to collect signatures and make it difficult for people to get on the ballot.

If you really want to make it difficult for people to get on the ballot and you really want to have a conversation about what this bill is really about, then let's put it on the ballot to ask whether or not people want to be able to have the right to petition their government. That's a question that we really should be asking. Do we want people to be able to petition their government or not? That's the, if you really want to have this conversation, that's the Constitutional Amendment that should be on the ballot, but nobody wants to put that on the ballot because they know the answer to that question, which is "no." So why is making it harder to vote, I'm sorry, harder to collect signatures, any better?

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. 189**

YEA - Alley, Austin, Bates, Battle, Beck, Bickford, Black, Buckland, Burstein, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Farrin, Foley, Fowle, Frey, Gerrish, Gideon, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hogan, Hubbell, Kinney J, Kornfield, Kumiega, Lajoie, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, Martin R, McCabe, McClellan, McElwee, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Babbidge, Beavers, Beebe-Center, Blume, Brooks, Bryant, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Evangelos, Farnsworth, Fecteau, Gattine, Gilbert, Goode, Grant, Hamann, Harlow, Hickman, Hobbins, Hymanson, Jorgensen, Kruger, Longstaff, Martin J, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Sanborn, Sukeforth, Tepler, Tipping-Spitz.

ABSENT - Devin, Fredette, Kinney M, Stuckey, Mr. Speaker.  
Yes, 99; No, 47; Absent, 5; Excused, 0.

99 having voted in the affirmative and 47 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolution was **READ ONCE. Committee Amendment "A" (S-129) 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" (S-129)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Ensure the Integrity of the Temporary Assistance for Needy Families Program"

(H.P. 782) (L.D. 1144)

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook  
HAMANN of South Portland  
HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea  
STUCKEY of Portland  
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-320)** on same Bill.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

BURSTEIN of Lincolnville  
HYMANSON of York  
PETERSON of Rumford

**READ.**

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)** on Bill "An Act To Ensure Safe Drinking Water for Maine Families"

(H.P. 796) (L.D. 1162)

Signed:

Senators:

HASKELL of Cumberland  
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
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:

Senator:

BRAKEY of Androscoggin

Representatives:  
HEAD of Bethel  
SANDERSON of Chelsea

**READ.**

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

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

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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 Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act" (EMERGENCY)  
(H.P. 968) (L.D. 1422)

Signed:  
Senators:  
VOLK of Cumberland  
CUSHING of Penobscot

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

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

Signed:  
Senator:  
PATRICK of Oxford

Representatives:  
HERBIG of Belfast  
BATES of Westbrook  
PECTEAU of Biddeford  
GILBERT of Jay  
MASTRACCIO of Sanford

**READ.**

Representative HERBIG of Belfast moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought 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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, if you know I'm in the Majority Report because I don't think this is needed. Mr. Speaker, if you and I wanted to get a prescription and get in the car and take a ride to Canada, we can and fulfill it. And if we decide we want to rent a bus and take 40 elderly people with us, we can do it. And what it's going to do on the other end, Portland and those cities that were getting it before, it's already been to court and it's going to cause nothing but another court case. So, as far as you and I going to Canada, or even Mexico, we can. And if we want to get a bus and take the elderly to north or south,

we can. And as far as the other thing, I don't think we need another court case. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Mr. Speaker. I thank you, Ladies and Gentlemen of the House, I appreciate the time to talk. I just want to make sure that people understand that from a pharmacy perspective—I've been a pharmacist for 25 years—there is nothing harder in a pharmacist's job than trying to find less expensive alternative ways to help folks with their healthcare.

We understand the complications and the expectations that are out there. You won't find another health practitioner out there that talks to you about your condition and your medications in looking for solutions, and then asks you for money following up from that conversation. This is a difficult process for us and we're always looking for ways to save. But unfortunately, we cannot be assured of the pipeline of medications that come from these other countries. We cannot be assured of the safety of these drugs. Our food and drug administration has many, many things in place that prevent deceptive drugs from getting into our pipeline; we have a lot of rules and regulations regarding our pharmacy practice acts with respect to distribution of drugs and dispensing to patients.

There are very strict return policies. If you purchase a drug in the United States and you take it home for a week or two and use it and open it, you're not going to be able to bring that back. In other countries, we cannot be assured of that. We are not assured that FDA is inspecting any of these facilities in other places in other countries. I had the pleasure of touring a drug manufacturing facility some time back, and I noticed on the shelf a powder that they were using in their medications. It was a known carcinogen at the time as a dye. And I spoke up to the tour leader and I said, "This is not legally usable in the United States." And the gentleman looked at me and he smiled, he said, "It's not illegal in Africa."

So, ingredients and processes are being used in other countries that we don't have the ability to inspect and be careful of. We have to continue to prevent our citizens from being harmed. Just because a drug looks fine and sounds fine doesn't mean that it's safe. It could've lost potency due to being in a 90 degree environment for several days with it unbeknownst to us. We do not have that in our delivery of our drugs. We are following from the drug manufacturer right to the pharmacy maintaining those controls. And if you are harmed by a medication practice in this state by a licensed facility, you have the Maine Board of Pharmacy that you can go to for your repercussions. There is no place for anyone to turn to if they are harmed by an imported drug. I repeat that: you have no repercussions other than to try to talk to the State Department and see if they will raise your claim. This is not a safe practice.

We have to be very conscious and vigilant for our citizens. The FDA, at this time, still states that importation of prescriptions from international locations is illegal. I want to point to the yellow form that you have on your desks today that was distributed to you opposing LD 1422. We have to be sure that we're taking care of our citizens. We don't have any accountability and the fact is that even though the title of this bill says, for permissible practices the FDA has stated that, "Although we may not be able to stop individuals from importing drugs from other countries, it does not make this a permissible act." It is still illegal, so for the safety of patients, please, I urge you to stay and oppose this 1422. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance the Minority

Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 190**

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

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

ABSENT - Devin, Kinney M, Stuckey, Mr. Speaker.

Yes, 85; No, 62; Absent, 4; Excused, 0.

85 having voted in the affirmative and 62 voted in the negative, with 4 being absent, and accordingly the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Production" (EMERGENCY)

(H.P. 699) (L.D. 1004)

Signed:

Senators:

McCORMICK of Kennebec

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

CHACE of Durham

SEAVEY of Kennebunkport

SKOLFIELD of Weld

STANLEY of Medway

SUKEFORTH of Appleton

TEPLER of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-326)** on same Bill.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn

MOONEN of Portland

RUSSELL of Portland

**READ.**

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

Representative PICCHIOTTI of Fairfield **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 Fairfield, Representative Picchiotti.

Representative **PICCHIOTTI**: Yes, Mr. Speaker, Ladies and Gentlemen of the House, this bill is, it's been around for a few years. It was first introduced back in 2010 and then came to the session last session. This is a jobs producing bill. It is a bill to be able to bring in motion pictures into the state.

Also coupled with this bill, at this point in time, is \$134 million project that will come into Kennebunk that will be the building of a film studio, a hotel and several businesses, along with, which will produce a good amount of permanent jobs. The other thing is bringing these films into our great state where we have lost a tremendous amount of films over the years that have been done here, written here and not filmed here, I should say. It will bring in tourist traffic, it'll probably produce estimate is around 1,000 jobs. We currently have quite a few people that live in Portland that have to go out of state that are in this industry and they have expressed to me, just very importance of how important this bill is to get them jobs and keep them within the state, keep our young people in the state.

I just think it's a big job producer. I would much rather see our sign down in Kittery that says "Open for Business" remain and not have to put up a sign that says "Closed 'til Further Notice." Thank you.

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

Representative **HAMANN**: Thank you Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of this bill. LD 1004 will green light Maine's film industry, attract out of state investment, create jobs, and promote Maine's scenic tourism assets to moviegoers and television viewers around the world.

This bill provides a tax incentive to attract job creating film production companies to Maine. The structure of this tax incentive closely mirrors tax incentive programs that have been proven successful in states with a thriving film industry. It provides a 25 percent tax incentive for production-related expenses and wages of crewmembers, and in order to be eligible a film must have a minimum budget of \$1,000,000. These are real films.

As other states have found, as proven by the fact that they renew their programs year after year because they fuel an entire industry, film tax incentive programs reap a worthwhile return on investment. Good paying jobs are created. Money is spent in local businesses. The creative economy thrives. And tourism gets a marketing boost. While impossible to quantify, the tourism benefits cannot be overstated. When millions of people view beautiful cinematography of a state, it's natural that this improves the state's tourism brand—just ask Michigan, or Massachusetts, or Louisiana, or North Carolina. As you know, Maine is a tourism state. Let's put Maine on the big screen, and remind millions and millions of people around the world that this is Vacationland.

If Maine wants to be competitive in this industry, a tax incentive program is necessary. Yes, it costs money, but this is an investment, a wise investment. Thousands of jobs will be created, and millions of out-of-state dollars will be spent in Maine businesses. The state will get back way more than it ever spends, and there will be a multiplier effect when this out-of-state money flows into Maine's business community.

To be clear: Production companies won't receive a penny of tax incentive money until after they have proven that they have created jobs and spent money in our economy, and the state will only pay tax incentives on expenses if a production company can prove and verify that their money was spent with a Maine business. In other words, the incentive is only provided once it has been verified that the production company has in fact created jobs and spent money in our state. So there are no surprises. They don't get a dime until after they demonstrate results, and that's the way tax incentives ought to be.

While this incentive program is targeted toward the film industry, the increase in economic activity benefits other industries throughout the state. When a film company brings a project to town, the entire local economy gets a shot in the arm. Crewmembers need a hotel room. Meals are provided by a local catering company. Off of the set, the crew is eating meals at local restaurants, shopping in our local stores, and learning to love Maine. When sets need to be built, the production company will turn to their local lumberyard.

This bill will attract out-of-state dollars. Period. It will help grow Maine's economy, and it will create jobs. If it doesn't do either of those things—create jobs or pump money into the economy—it will not be eligible for a tax incentive.

And, these are good paying jobs. Maine has the crew and the talent to fill these jobs. Every year, our university and community colleges churn out remarkable talent. Educators like Corey Norman at SMCC in South Portland are training young filmmakers. But they have to move to Massachusetts, or New York, or LA after graduation if they want to make a serious living in their chosen field. If this bill becomes law, it will create the market conditions for a viable film industry within the state that could keep these young, talented, educated people right here in Maine. What a game changer.

We talk a lot about our aging workforce and how to keep educated young people here. Passing this bill is one way to do that. We also talk a lot about growing our economy, supporting Maine businesses, creating jobs, closing the skills gap. This bill does all of those things, it does them quickly, and its effectiveness has been proven in other states where film tax incentives have created a film industry and the market conditions for non-incentivized investment in infrastructure. It's time for Maine to seize this opportunity. Men and Women of the House, I urge you to consider the direct and indirect benefits to Maine's economy and tourism industry and "green-light" LD 1004 by pressing the red button. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen, many of you may know my son is a filmmaker. He lives in New York City. He's done work all over the world and he's done some work here in Maine. He said, "Dad, it would be nice if we had more incentives for filming in Maine. Maine's a great place. We have a lot of areas that are really unique and pristine and we could show them off to the world if we had some incentives to do more filming in Maine." So, thank you, Mr. Speaker.

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

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. This is a matter of pride. Maine inspires, we all know this. We're all here because we love Maine. We're all very well aware of how gorgeous this state is. We have an incredibly long legacy of artists who have been moved and inspired to create by our landscape, by our people, and by everything that makes our state so great.

Just think of it: Rockwell Kent, Thomas Cole, Dahlov Ipcar, the Wyeth's, I could go on and mention quite a few other artists. The fact of the matter is, it's not just painters. We have many different authors who have come here and wrote incredible stories about our state. I remember when *Cider House Rules* was turned into a film and they actually came here to cast it and they looked around the state for people to be extras to be children in the school. We're going to continue to inspire people to create sculptures, painting, films, short stories, novels.

But here's where it comes about pride: When those books are written or something inspires a bunch of filmmakers to create a film and they decide to turn it into a film, wouldn't it be nice if that film was shot in Maine instead of Mississippi, Canada, North Carolina? This is about a matter of pride. I'm sick of seeing things like the *Spitfire Grill*, *Once Upon a Time*, and various other films, most of Stephen King's films not shot in Maine when they should be shot here. So, I urge you to vote red because I hope you agree with me that when someone's talking about Maine, you'd like it to look like Maine and not Massachusetts or Mississippi. Please vote red.

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

Representative **PARRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I pretty much agree with everything that's been said earlier. My biggest frustration on this bill is the fiscal note that it shows. We collect no money today, so how can we say it's going to cost money when we are collecting zero?

These companies have to come to Maine and spend millions and millions and millions of dollars before they get a penny back. I just think that this is my frustration that I've seen over the five years that I've been here, is when we get these fiscal notes on something that we're collecting zero money on today. How much could this help the State of Maine if films are constantly filmed here in Maine? We can't even calculate the benefit to the tourism industry on the benefits that would help from this.

We have a state that, within a couple hours, you can be in the ocean, you can be at a lake, you can be in a mountain, you can be in open plain area, you can be in the forest. I mean, we've got an area here within a short period of time that you can be in almost any set that any film company would want. Why we don't make it easier for them to come here, and as was said earlier, nothing gets paid out until they spend millions and millions of dollars in Maine. So, I really think that we need to vote down this current motion and pass this bill. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the Ought Not to Pass motion. I agree with everything that's been said. I am completely proud of our state and the beauties that it offers in a way that can creatively lend itself to interpretation in films and productions that have been described.

However, I think that this fiscal note is huge. It also, and to address questions that had been raised about, well if it doesn't

have an impact unless it's used, but actually in this process, the money is set aside because otherwise companies could just run up the tax incentive bill and then the state would not have the money in order to cover it. So, I think that while it bothers me that there are Stephen King productions where people are hired to pull down the Spanish moss in the film, right now, unless we go up to a percentage that can compete with the states that are already pulling these productions when a percentage that is in the range of 20, 23, 25 percent, we have to go all or nothing or we're going to give away the farm on this. While I don't question the pride that has in their states, I certainly question the fiscal responsibility that goes to supporting this.

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

Representative **SKOLFIELD**: Thank you, Mr. Speaker, and Ladies and Gentlemen, I also am going to vote in support of this and I feel, as Representative Parry outlined, that the fiscal note, when I, first on the committee it bothered me that we have such a fiscal note, but as he so eloquently described, we're not collecting a dime now. And I believe this would be a good investment for our state and in my hometown, recently, there was a production that would've taken place in Maine, but because of the limited resources that were available in this state, they had to move the production to Massachusetts. So, I will be voting "no" on the Ought Not to Pass. Thank you, Mr. Speaker.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise and support my motion and would just like to give maybe a little bit of a national perspective on what happens with these credits. Right now Maine has a film incentive. It's much smaller than the large states that have a large tax program. States like Louisiana and one of the Carolina's really make large investments around films and luring the film industry.

We have, kind of, two options we could do with this policy. We can do a large investment, which this bill does not do, or we could continue to have a smaller investment. I think that it's hard for me to feel like a lot of films would be coming to Maine when a state like Louisiana is giving away a really lucrative investment. If it's about the investment, then they're still going to go to Louisiana. If it's about the taxes, New Hampshire doesn't have an income tax so I'm not sure how a small incentive program would make a huge difference.

There is a fiscal note and I believe that, I think the Representative, Representative Parry from Arundel, said that we have great oceans, great lakes, great mountains, great forests, and those are here right now, and if those are the things that are going to encourage a film to be here then there's nothing that prevents films to come here today. So, I'm supporting the motion. There is a two million dollar price tag on the bill and I appreciate the debate we've had today. Thank you, Mr. Speaker.

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

Representative **HAMANN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I apologize for rising a second time. With regards to the Representative from Bangor's question about the size of the fiscal note compared to other states and our investment in this supporting the film industry versus other states, those states have had film tax incentive programs in for a number of years. Over those years, investors come in and they're building the infrastructure, they're building the studios, they're bringing businesses in that do camera repair and lighting companies, and they're supporting the film industry.

Those businesses come in and those states aren't paying any tax incentive or rebate toward the investment in those businesses. But they're there to support the industry that's created through the incentive. So, starting out, so those businesses are there because the industry grows larger over time. Starting out, the first year or two, states aren't necessarily going to have \$100 million blockbuster come in. We can decide if that's the right type of film for us, we can decide, rightly so, whether or not to cap the tax expenditures for films that are appropriate.

But, at this time, I think starting small, starting at this level, from everything I've heard talking to industry professionals, crew members, people who work in L.A., people who live in Maine but work in New York City and Boston, this size of film is the size of film that we should really be courting at this time in the state's film industry. So over time, the industry may grow if we choose to allow it to grow, but this allows it to begin. 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 Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 191**

YEA - Babbidge, Beck, Brooks, Burstein, Chace, DeChant, Devin, Dillingham, Dion, Duchesne, Espling, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gilbert, Goode, Grant, Herbig, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Martin R, Mastraccio, McCabe, Noon, Powers, Rotundo, Russell, Sanborn, Sawicki, Schneck, Seavey, Stanley, Sukeforth, Tepler, Theriault, Tipping-Spitz.

NAY - Alley, Austin, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Bryant, Buckland, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Doore, Dunphy L, Dunphy M, Edgcomb, Evangelos, Farrin, Foley, Fredette, Gerrish, Gideon, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hymanson, Kinney J, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rykerson, Sanderson, Saucier, Shaw, Sherman, Short, Sirocki, Skolfield, Stearns, Stetkis, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

ABSENT - Kinney M, Stuckey, Mr. Speaker.  
Yes, 42; No, 106; Absent, 3; Excused, 0.

42 having voted in the affirmative and 106 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-326)** 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-326)** and sent for concurrence.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Increase Investment in Maine"

(H.P. 784) (L.D. 1146)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

MOONEN of Portland

RUSSELL of Portland

STANLEY of Medway

SUKEFORTH of Appleton

TEPLER of Topsham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)** on same Bill.

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn

CHACE of Durham

SEAVEY of Kennebunkport

SKOLFIELD of Weld

**READ.**

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

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

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

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

Representative **MALABY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, good afternoon. I rise in opposition to the pending motion. I support this bill because it's An Act to Increase Investment in Maine. And you may well ask yourself at this point, "How is it that a capital gains tax reduction will increase investment in our state?"

I think it should be noted that this bill restricts itself to what is known in economics as investment in real assets made in Maine, which is to say real property held for business purposes for more than one year, as opposed to certain other assets which are capital assets, which would include portfolio assets. Portfolio assets are stocks or bonds and other things that are available on the secondary market.

The intent of this bill is to allow for the sale of real assets that have been made in Maine, the sale of that asset to be subject to a lower tax rate than traditionally. As you're aware, and you may not be aware, but here we tax capital sales as if it were regular income, and I disapprove of that, but I will speak to that later. An increase in the value of an asset is what's known as a "capital gain." Likewise, a decline in the value of an asset is a "capital

loss." Asset values can vary wildly over time and the gains and losses are regular occurrences. But, such capital swings are not subject to taxation until the assets are sold.

Technically, a capital gain is the difference between the net sale price of an asset and its historical, or book, value or cost basis. Currently, again, the State of Maine taxes the gain on the sale of assets as regular income. This bill proposes to reduce that tax rate on the sale of real property to three percent and in so doing, it is my hope to increase tax revenues in Maine and increase investment in Maine. To be very frank, no other political entity has ever even entertained such a bill as this that restricted to just the sale of real assets in their state.

We, in fact, as a state have difficulty at this point in time even tracking those values. The Maine Revenue Service will tell you they do not know what the capital gains are in Maine. They can pull that off federal stuff over time. We do not currently track it; there is no line on our form to do so. We treat it and take it off our federal forms and as such, you know, we're a little bit behind the times. I would like to see us move to a more sophisticated accounting system that would encourage such investment in Maine.

There are a number of reasons to support this bill. Capital gains are, first and foremost, not ordinary income and they reflect a premium for risk incurred and investments made. And capital gains tax rates are clearly inversely related to tax revenue, which is to say, an increase in capital gains tax rates leads to a decline in revenue, and conversely, a decrease in capital gains tax rates leads to an increase in revenues. The sale of a real capital asset is frequently, if not always, followed by substantial investment by a new owner, thus spurring growth and new hiring. And taxpayers do have a choice as to when capital gains can be realized, and a decrease in the Maine tax rate will spur sales, economic activity, and tax collections. And for our more elderly business owners, taking advantage of this tax rate decrease avoids what's known as a step up in basis, thereby generating tax revenue for the state that might not otherwise be realized until well into the future, as their heirs would inherit property at a higher cost basis.

So, as Maine and most other states do not segregate capital gains from ordinary income, the best empirical evidence source for looking at the impact of capital gains tax rates is the federal government. And capital gains tax rates have been lowered three times in the past 34 years. In 1981, they lowered the maximum marginal income tax rate to 50 percent, and what happened then is for the next three years, from 1982-84, capital gains tax revenues increased 15.8 percent on average per year. So we lowered the tax rates at the federal level on all capital gains and we increased revenue. Again, in 1998, excuse me in '97, under the Tax Relief Act of '97, we lowered the capital gains tax rates from 28 to 20 percent and during the next three years, from 1998-2000, capital gains tax revenues increased 17.8 percent per year for three years. And then, in 2003, we lowered the capital gains tax rate from 20 to 15 percent, and actually stepped it down to five and zero depending on which tax category you were in. For the following four years, on average, capital gains tax revenues increased 25.5 percent for three years. And all of the historical studies conducted by the Congressional Budget Office confirm that investors are very sensitive to capital gains tax rates and that a decline in rates will lead to an increased realization of capital gains and will spur economic activity.

During the course of the hearing in the committee, I handed out a number of handouts from the Congressional Budget Office that supported that, what's known as an "empirically inverse relationship," as the rate goes down, the revenues go up and

conversely true. It should be noted that Maine has like the eighth highest combined tax rate on capital gains. So, lowering the capital gains rate would certainly make the state more attractive to investors and probably better serve, you know, all of our small businesses because we are clearly a state of small businesses. Many of these businesses have been in existence for quite some time.

We are, I think as a state, probably suffering from a lack of sufficient investment activities. This bill would require that we segregate out our business capital gains—as is done on federal tax form 1040—and then we would accordingly tax that income at a lower rate. Doing so would lead to investors realizing more gains and that would lead to enhanced state revenue and would also spur economic activity, putting more people to work. So, for those of you who recall your Economics 101, you know there are four basic components of some state, or country's, what we'll call Gross Domestic Product. And we talk about them often times as being consumer expenditures, which is something that we frequently, in looking at tax policy many people look at, you know, putting money into the hands of consumers. Certainly, governmental expenditures. But, I think the real critical one, and the one I'm focusing on here, is business investment. Investment is that which business does over a long haul, and it's depreciable over time.

And I think this bill is a really important piece for we, in Maine, to look at because we certainly suffer from a lack of adequate business investment. And furthermore, I have no doubt that at some point during the last campaign season, everyone in this room probably stated they wanted more jobs for Maine people. I think probably even everyone who ran for statewide office stated those various things and I think this is the kind of bill that can do that over time and I think it's pretty important.

Lastly, I would like to address the fact that there's an amendment to the bill. The amendment conforms this legislation with Maine law. In order, under Maine law, to restrict the benefits of this legislation to investments made in Maine, as opposed to investments made any place else, we do so through the issuance of a tax credit for Maine investments. If you remember, during the first bill that we voted on, we had a similar issue this year, that conformity bill that we voted on.

And finally, I would say this: I think the notion of the fiscal note is indeed somewhat questionable. Maine does not track capital gains, let alone capital gains derived from investments made in real assets located in Maine. At best, I think the fiscal note is a guess and I don't think it takes into account the dynamic nature of the investments that would be made. So, I thank you very much for your time and I ask you to follow my light.

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. 192**

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

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

ABSENT - Kinney M, Stuckey.

Yes, 80; No, 69; Absent, 2; Excused, 0.

80 having voted in the affirmative and 69 voted in the negative, with 2 being absent, and accordingly 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:

(H.P. 492) (L.D. 716) Bill "An Act To Amend the Fees for Snowmobile Registration" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

(H.P. 633) (L.D. 913) Bill "An Act To Expand Public Opportunities for Wildlife Management Education" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)**

(H.P. 780) (L.D. 1142) Bill "An Act Regarding the Taxation of Out-of-state Pensions" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 841) (L.D. 1223) Bill "An Act To Revise the Charter of the Kennebunk Sewer District" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)**

(H.P. 972) (L.D. 1426) Bill "An Act Regarding the Maine Registry of Certified Nursing Assistants and Direct Care Workers" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-342)**

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.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincolnville, Representative Burstein, who wishes to address the House on the record.

Representative **BURSTEIN** : Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to Roll Call No. 365 on LD 169, had I been present, I would've voted "yea."



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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 543) (L.D. 1441) Bill "An Act To Establish the Public Higher Education Systems Coordinating Committee" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(S.P. 293) (L.D. 819) Bill "An Act To Exempt Kombucha from the Excise Tax Imposed on Alcoholic Beverages" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-213)**

(S.P. 440) (L.D. 1235) Bill "An Act To Strengthen Standards-based Diplomas" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-206)**

(S.P. 442) (L.D. 1237) Bill "An Act Regarding the Filing of Death and Marriage Records" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-205)**

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

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Protect the People's Right To Hunt, Fish and Harvest Wildlife

(H.P. 479) (L.D. 703)

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 "A" (H-344)** on same RESOLUTION.

Signed:

Representative:

WOOD of Greene

**READ.**

Representative SHAW of Standish moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative SHORT of Pittsfield **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.

On motion of Representative GIDEON of Freeport, **TABLED** pending the motion of Representative SHAW of Standish to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned. (Roll Call Ordered)

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-345)** on Bill "An Act Relating to Marijuana Testing Facilities"

(H.P. 728) (L.D. 1059)

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  
SANDERSON of Chelsea  
VACHON of Scarborough

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

Signed:

Representative:

STUCKEY of Portland

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-345)** 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-345)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Streamline Certain Regulations on Small Distilleries"

(H.P. 681) (L.D. 986)

Signed:

Senators:

CYRWAY of Kennebec  
COLLINS of York  
PATRICK of Oxford

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)** on same Bill.

Signed:

Representative:

LONGSTAFF of Waterville

**READ.**

On motion of Representative GIDEON of Freeport, 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:

(H.P. 655) (L.D. 952) Bill "An Act Regarding the Licensure of Funeral Service Providers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)**

(H.P. 813) (L.D. 1180) Bill "An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)**

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Support School Nutrition"

(S.P. 460) (L.D. 1285)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-196)** in the House on June 8, 2015.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Encourage Greater Efficiency in the Unemployment Insurance System"

(S.P. 503) (L.D. 1371)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on June 8, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-189)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**Non-Concurrent Matter**

Bill "An Act To Amend Provisions Regarding the Appointment of Members of the Maine Charter School Commission"

(H.P. 360) (L.D. 536)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)** in the House on June 8, 2015.

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

The House voted to **INSIST**.

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**Non-Concurrent Matter**

Bill "An Act To Enact the Toxic Chemicals in the Workplace Act"

(H.P. 799) (L.D. 1165)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-328)** in the House on June 8, 2015.

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

The House voted to **INSIST**.

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Eliminate the Income Tax

(H.P. 928) (L.D. 1367)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 8, 2015.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

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)

Report "B" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)** in the House on June 5, 2015.

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

The House voted to **INSIST**.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)** on Bill "An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife" (H.P. 899) (L.D. 1321)

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
- MARTIN of Sinclair
- REED of Carmel
- WOOD of Greene

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

Signed:

Representatives:

- LYFORD of Eddington
- SHORT of Pittsfield

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-348)** Report.

**READ.**

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

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.

On motion of Representative GIDEON of Freeport, **TABLED** pending the motion of Representative SHAW of Standish to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered)

**CONSENT CALENDAR**

**First Day**

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

(H.P. 451) (L.D. 670) Bill "An Act To Amend the Laws Governing the Unlawful Cutting of Trees" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-355)**

(H.P. 564) (L.D. 830) Bill "An Act To Eliminate the Dual Licensing of Physician Assistants" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)**

(H.P. 580) (L.D. 846) Bill "An Act To Refine and Streamline the Foreclosure Mediation Program" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-356)**

(H.P. 747) (L.D. 1086) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)**

(H.P. 748) (L.D. 1087) Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Response Deadlines and Appeals" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-360)**

(H.P. 749) (L.D. 1088) Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)**

(H.P. 792) (L.D. 1154) Bill "An Act To Provide for the Establishment of Benefit Corporations" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)**

(H.P. 819) (L.D. 1186) Bill "An Act To Promote Professional Training and Security in Maine Courts" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-358)**

(H.P. 905) (L.D. 1330) Bill "An Act To Enhance Efficiency in the Collection of Child Support Obligations" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)**

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.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing High School Graduation Requirements"

(H.P. 940) (L.D. 1386)

Signed:

Senators:

LANGLEY of Hancock  
EDGECOMB of Aroostook  
MILLETT of Cumberland

Representatives:

FARNSWORTH of Portland  
HUBBELL of Bar Harbor  
MAKER of Calais  
McCLELLAN of Raymond  
PIERCE of Falmouth  
POULIOT of Augusta  
STEARNS of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)** on same Bill.

Signed:

Representatives:

KORNFIELD of Bangor  
DAUGHTRY of Brunswick  
TIPPING-SPITZ of Orono

**READ.**

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-350)** on Bill "An Act To Clarify the Use of 'M.D.' To Represent Achievement of a Graduate Degree by an Individual Not Licensed To Practice Medicine in Maine"

(H.P. 568) (L.D. 834)

Signed:

Senators:

VOLK of Cumberland  
PATRICK of Oxford

Representatives:

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

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

Signed:

Senator:

CUSHING of Penobscot

Representative:

WARD of Dedham

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-350)** 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-350)** and sent for concurrence.

**ENACTORS**

**Emergency Measure**

An Act To Amend the Laws Concerning the Registration of Professional Engineers

(H.P. 711) (L.D. 1028)

(C. "A" H-303)

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. 111 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Emergency Measure**

An Act To Protect Maine Consumers in the Individual Health Insurance Market and Support Maine's Economy

(H.P. 913) (L.D. 1344)

(C. "A" H-291)

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. 106 voted in favor of the same 23 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Emergency Measure**

Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities

(H.P. 70) (L.D. 87)

(S. "A" S-173 to C. "A" H-77)

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

Representative GIDEON of Freeport **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The same Representative moved that the Resolve be **TABLED** until later in today's session pending **FINAL PASSAGE**.

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

Representative **ESPLING**: Point of Order, Mr. Speaker, just wondering if the Representative's motion is in order, where the vote was still open or closed, I'm not sure.

The SPEAKER PRO TEM: The Chair would answer in the affirmative. The vote was closed and the Representative requested a roll call before the announcement of the vote.

Subsequently, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

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**Acts**

An Act To Extend the Funding Period for Landfill Closure Costs

(H.P. 404) (L.D. 580)  
(C. "A" H-115; S. "B" S-182)

An Act To Collect and Report Data on the Implementation of Proficiency-based Diplomas and Standards-based Student Learning

(H.P. 574) (L.D. 840)  
(C. "A" H-292)

An Act To Allow Secondary Schools To Grant Certificates of Academic Proficiency

(H.P. 587) (L.D. 853)  
(C. "A" H-294)

An Act To Help Municipalities Dispose of Certain Abandoned Property

(H.P. 610) (L.D. 891)  
(H. "A" H-304 to C. "A" H-296)

An Act To Improve School Administrative Efficiency and Expand Capacity for Professional Growth for Educators with Regional Collaborative Programs and Services

(H.P. 805) (L.D. 1173)  
(C. "A" H-293)

An Act To Implement the Recommendations of the Government Oversight Committee To Ensure Legislative Review of Reports Submitted by Quasi-independent State Agencies

(H.P. 945) (L.D. 1395)  
(C. "A" H-298)

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.

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**Resolves**

Resolve, Directing the Department of Health and Human Services To Increase Public Awareness about and Access to Federal Resources Related to Vaccine Injuries

(H.P. 739) (L.D. 1076)  
(C. "A" H-305)

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.

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An Act To Ensure That Schoolchildren with Dyslexia Receive the Assistance Needed

(H.P. 163) (L.D. 231)  
(C. "A" H-279)

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

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

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

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

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

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An Act To Clarify Statewide Assessment Program Options  
(H.P. 471) (L.D. 695)  
(C. "A" H-295)

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

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

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

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

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned. (Roll Call Ordered)

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

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

**UNFINISHED BUSINESS**

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

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION REGARDING THE STATUS OF CORPORATIONS AS PEOPLE AND THE ROLE OF MONEY IN THE ELECTION PROCESS

(H.P. 956)

**TABLED** - June 8, 2015 (Till Later Today) by Representative MARTIN of Sinclair.

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

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, I am not going to take a lot of time with this 12 to 1 Report, but I would like to give you just a little bit of information. The first piece of information is that the Supreme Court has ruled that money is speech protected by the First Amendment. There is only one way to overturn a Supreme Court ruling and that is by a Constitutional Amendment. There are only two ways to amend the Constitution. One is to ask Congress to initiate and propose an amendment and the other is to have the states call for an Article V convention to propose an amendment, and either way those amendments have to be ratified. They don't become law unless ratified by three-quarters of the states.

And then the other piece of information I want to give to you is that the wording of the Resolution before you is based on the wording that some volunteers in Maine used to collect about 37 thousand signatures last fall from registered Maine voters asking this Legislature to call for an Article V convention for this purpose of overturning the *Citizens United* decision. That 37 thousand represents approximately an average of 250 registered Maine voters per House District. Just to put it in perspective, an average of 250 voters in each of our districts have taken the trouble to sign a petition and fill in their address as collected by volunteers from Maine last fall, and so the Resolution before you is before you in order to honor their request that we pass this so that we can help force Congress, or to get a convention to propose an amendment that three-quarters of the states could ratify in order to take money out of politics. Mr. Speaker, I request a roll call. Thank you.

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 Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, our democracy is being threatened by the avalanche of money that's going into our elections. The voters know it. I do respect the decisions of the Supreme Court but I also respect our constitutional right to meet the needs of changing times. An Article V convention is not only allowed by our nation's Constitution, it's a state Legislature's duty to support one when they believe it is needed.

Corporations are not people; they don't have the same rights as people. A corporation can't get married, can't parent a child, and they can't vote. They have found a way around the fact that they can't vote by spending vast amounts of money in America's election process. Many of us are afraid to open the door to an Article V convention, but we don't need fear when our democracy is threatened. We need courage to make our government work when Washington isn't able to. 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, on October 1, 2013, I was scheduled—along with more than 100 women lawmakers from around the country—to meet with our federal delegations in Washington, DC, to discuss federal budget priorities. I was prepared to discuss in depth how we need a strategic 21st century military, and that excessive Pentagon spending was undermining our ability to make critical investments in roads, bridges, and education here at home.

Having lived in DC I was rather accustomed to the tediousness of placing my jewelry and keys in a basket while allowing security to check my purse and briefcase. Going in and out of federal buildings was always a shuffle, coupled with polite conversation about the weather. But that morning was different. A tension filled the place and the security guards discussed whether or not they were staying past noon. No one seemed to know the answer to such a simple scheduling question. But then again, we weren't sure if our meeting at 1 o'clock was actually going to happen. Our delegation was great; we made every meeting, even if we could only meet with staff—staff who stayed until after noon.

The thing is I can't get the nervousness out of the security guard though, as he talked to his colleague, out of my head. They were laughing, but it was the kind of laughter you find at funerals. Something really bad has happened and you can't

quite make sense of it, let alone figure out what was going to happen tomorrow. It's the kind of laughter where you joke about mundane things to find some levity in the darkness of the moment. The government was closed for business that day. The US government would not open for 16 days, costing American taxpayers \$64 billion; \$16 million of which was felt in Bar Harbor alone as Acadia remained closed during prime foliage season.

You see, when I first heard about the Article V convention, I thought folks must be mad. How could we possibly open up the US Constitution for what I believed could end up being a complete overhaul. My primary concern, and what I've heard from others, was the idea of this "Runaway Convention." But in light of what I had witnessed firsthand in Congress, I took a closer look at the issue because somehow, on that day, a Runaway Congress became that much more important than the concept of a Runaway Convention. And it turns out, much of the myths around a Runaway Convention are actually false.

Our founders crafted a rational tool to address overreach by Congress and they left that tool up to the states, and specifically up to State Legislatures, up to us, to propose amendments to the US Constitution. I learned that October day, what Americans across the country had felt creep up for many years, the sad truth that Congress is broken. Nine out of 10 Americans want something done about the dysfunction, about the corruption, and about the big money in politics on both sides of the aisle. However, just 10 percent of Americans believe that anything can be done to fix it. HP 956 provides an option for Maine people to be able to stand up for their country once again.

The strategy calling for an Amendment's Convention at the state level to force congress to act has historically worked to get amendments proposed, especially those that Congress did not want to propose, such as the 17th Amendment that created the direct election of the US Senate. Whether we get an amendment proposed through Congress or by an Amendment Convention, as we have in front of us, we must amend so that we have a government of, for, and by the people, not bought and sold by billionaires and outside interests.

The convention process was included in the Constitution for times just like this, as a safeguard for representative democracy, placed in the hands of State Legislatures just in case Congress ever became corrupted and detached from the American people. As far as the convention process itself, I'm in favor of it for the same reason that some people actually oppose it: It is a democratic process. The convention brings people together from a variety of perspectives to discuss and debate ideas, to distill and synthesize them into a proposal and then send that out to the states for validation by the American people through the ratification process, which of course also comes right through this chamber. That's how democracy is supposed to work in America. If any amendment is too far outside the mainstream, just 13 bodies out of the 99 in the US can stop the amendment from moving forward.

The US Constitution has been amended 27 times, and once by every generation of Americans. Amending the Constitution is actually the norm for our country to ensure our founding document changes with the times and responds to the changing needs of our society. Historically, four out of the previous 10 amendments began with states calling for a convention to propose amendments and by Congress responding to that proposal. Most famously, as I mentioned, the 17th Amendment—the direct election of the US Senate—was proposed by Congress when the states got within one to two applications of calling for a convention. The Bill of Rights, the very Bill of Rights that enshrines the First Amendment, the Second Amendment which we debate often in this place, began

with New York and Virginia applying for a convention to propose those amendments. This means that most amendments to the Constitution, 14 out of 27 in fact, have historically begun with state-level campaigns to call a convention.

As I said before, I've heard from a number of people who are concerned about a Runaway Convention. The Department of Justice has weighed in on this. Let me read to you what they have to say. The Department of Justice:

*"We conclude that Article V does permit a limited convention. The conclusion is premised on three specific arguments.*

*"First, Article V provides for equality between the Congress and the states in the power to initiate Constitutional change. Since Congress may limit its attention to single issues in considering Constitutional Amendments, the states also have the Constitutional authority to limit a convention to a single issue.*

*"Second," still reading from the Department of Justice, "consensus about the need for Constitutional change is a prerequisite to initiating the amendment process. The consensus requirement is better met by the view that Article V permits limited Constitutional Convention than by the view that it does not.*

*"Third, history and the practice of both the states and the Congress show a common understanding that the Constitution can be amended issue by issue regardless of the method which the amendment process is initiated. We also conclude that there are four possible methods of enforcing the subject matter limitation to the convention.*

*"First and foremost, the states, who exercise ultimate control over the ratification of all Constitutional Amendments, may withhold ratification of a proposed amendment which is outside the scope of the subject matter limitation. Second, Congress itself may enact legislation providing for such limitations as the states request. Third, the courts may review the validity of a Constitutional Amendment procedure including whether a proposed amendment was within the subject matter limitation. And fourth, the delegates to a convention may be bound by oath to refrain from proposing amendments on topics other than those already authorized under the charter of the convention."*

For folks who are concerned about a Runaway Convention, the Department of Justice has spoken and they have spoken very clearly.

I've also heard that we will have no idea who will be selected as delegates to the convention or what the rules would be. Delegates will be citizens elected or state and local elected officials who are appointed per Congressional District—that means CD 1 and CD 2 get an equal representation. No federal official will be allowed to serve as a delegate to the Amendments Convention. This reflects legislation that Congress has historically considered to structure the convention process once states approach the threshold of calling a convention by getting near the 34 states required. Currently, more than 10 states are considering resolutions on this very issue that include delegate selection language. Once a plurality of those states pass identical language calling for an amendment convention, it will be difficult for Congress to ignore the demands of so many states.

Now, at some point, Congress is probably going to want to preempt a convention anyway, and they will probably put forth something. But, if that is not the case, once convened, the convention will act according to *Mason's Rules of Legislative Procedure*, as we do. They will appoint a Chair for the proceedings and then add their own rules as a legislative body. As delegates, rather than trustees, they will be constrained by the preferences of the State Legislatures—that would be us—who can recall delegates at will and send others in their place if they act contrary to the wishes of the state.

Furthermore, there is also a convention process with delegates at the federal level every four years. We call it the Electoral College. Regardless of how you feel about that process, American citizens have proven, time and time again, to be capable of handling the responsibility entrusted with them and sticking to the stated agenda of what they are there to do. You do not necessarily see Electoral College delegates voting for other presidents than what they were sent there to do. You don't hear about Runaway Electoral Colleges.

We have an opportunity before us—I realize it's a 12:1 Report—we have an opportunity before us to pass something that would have remarkable impact on the future of our country, and I ask you to vote in opposition to the pending motion so that that bill can actually move forward. Thank you, Mr. Speaker.

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

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

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

Representative **WALLACE**: Thank you. Since this bill is to start a convention to discuss the corporations as a person, I would ask is a union a person and is this unions also going to be included in this convention?

The SPEAKER PRO TEM: The Representative from Dexter, Representative Wallace, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker, that is a great question. So this calls for an overturning of *Citizens United*, and if you look at the *Citizens United* outcome, they included both unions and corporations in the ability to be able to spend unlimited resources on elections. So, in this issue, it would be calling for overturning that and it would be treated equally.

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

Representative **COOPER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion and in opposition to the Joint Resolution. I don't profess to be a Constitutional scholar, but I have had considerable experience in this area of law, as a result of my service on the US House Judiciary Committee, Subcommittee on Civil and Constitutional Rights.

In that capacity, we studied Constitutional procedure having to do with the amendment process in several contexts. So for what it's worth, I'll offer my opinion on this matter, as well as some relevant facts. As Representative Chapman has indicated, the Article V contains two modes of amending the Constitution. The first is a call by the Congress, which requires a two-thirds vote in each chamber and then it goes to the states where three-fourths of the states have to ratify it. This is the only way that our Constitution has been amended since 1789.

The other form is what is being called the Article V Convention, which begins at the state level, with two-thirds of the State Legislatures calling for a convention. Congress has never enacted any legislation pertaining to how these conventions would be conducted. There's no question, I think there's no dispute about the fact that Congress controls the formation and rules that would govern these conventions, as per the wording of the Constitution. But, there are a myriad questions that remain to be answered.

For example, how will the delegates be chosen for these conventions? It isn't necessarily members of the State Legislature, for example. Nor do I understand where these suggestions come from that federal officials, or Congress

members, would be disqualified. There's nothing, nothing in the constitution about that. It's a blank slate about all the details that could very well affect the outcome of such conventions. So, we're walking into a wilderness here. It's not necessarily a reason for rejecting a convention, but you do need to worry about all these little details that might become very important.

The elephant in the room now, is the question of whether or not a Constitutional Convention can become a Runaway Convention. In other words, even if two-thirds of the states call for a convention on a particular subject, that other matters could be taken up. In fact, maybe the reason for the convention is not called up at all. If you look at the words of the Constitution, you'll see that it refers to amendments in the plural, not in the singular, suggesting that the founders had in mind something more than a specific subject matter for such conventions.

And maybe it's because the legal scholars that I find most convincing were my professors in law school, but I tend to believe that they are correct and they are cited in the memorandum that was prepared for Congress just this year on questions for Congress to ponder on dealing with an Article V Convention. For example, Professor Charles Black told Congress, "I believe that in Article V the words, quote, 'a convention for proposing such amendments' means a convention for proposing such amendments as that convention decides to propose." In fact, he went on to say that, "limited conventions would be constitutionally impermissible for the reason that no language is found in Article V that authorizes them.

Quote: "It," that is Article V, "does not imply that a convention summoned for the purpose of dealing with electoral malapportionment," that was one such suggestion, "may kick over the traces and emit proposals dealing with other subjects. It implies something much more fundamental than that; it implies that Congress cannot be obligated, no matter how many states ask for it, to summon a convention for the limited purpose of dealing with electoral apportionment alone, and that such a convention would have no Constitutional standing at all."

Now, Professor Black was referring to the hot topic of that moment, which had to do with apportionment issues. At other times, balanced budget has been the hot topic and it remains a hot topic for some callers for a State Convention. In this body, the call seems to be based on a need to overturn *Citizens United*. Now, whether or not you agree with that decision, the question is, are we unleashing a monster here? A monster that we would have no control over once these papers left this chamber.

I would just go on to say that this viewpoint is not simply from places like Yale. The Federalist Society took the same position as did the Barry Goldwater Society. So, I think this is the weight of the legal opinion, and for that reason, I think that this is a dangerous proposition, whether or not I agree with the intent of overruling *Citizens United*. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, first I would like to commend the good Representative from Brooksville, Representative Chapman, and Representative Russell for their passion and commitment to HP 956. Hardly anyone would disagree that the role of money in the election process is a major concern to most of us, especially with the recent ruling that unlimited funds can be used to influence elections.

However, this is something that congress can fix. My motion to accept the Majority 12:1 Ought Not to Pass Committee Report is based on the following: Calling for an Article V Constitutional Convention is a serious matter and can be extremely dangerous. A Constitutional Convention can open up the United States

Constitution to whatever amendment its delegates chose to propose, regardless of the stated purpose of the convention. And who would elect our delegates? Can you imagine the amount of money and influence that would take place in this selection process?

We've all heard, and we've heard it three or four times by previous speakers, the term "Runaway Convention." This was a major concern to all of our committee members. And it's my understanding that in 1787, the delegates completely ignored their original charge which was to amend the Articles of Confederation. Instead, they drafted an entirely new governing document. HP 956 does state that this application is void, rescinded, and of no effect in the event that such a convention does not limit it to a specific purpose. However, it is very unlikely the federal courts would back the states if, in fact, the delegates chose to expand the scope of their actions.

In closing, allow me to quote a member and former member of the United States Supreme Court. This is what Supreme Court Justice Scalia said, and I quote: "I certainly would not want a Constitutional Convention. Wow. Who knows what would come out of that?" End quote. Former Supreme Court Justice, Justice Warren Burger, said, and I quote: "There is no way to effectively limit or muzzle actions of a Constitutional Convention. The convention would make its own rules and set its own priorities and agenda. Congress might try to limit the convention to one amendment or one issue, but there is no way to assure what the convention would obey. After a convention is convened, it will be too late to stop the convention if we don't like its agenda." End quote. Mr. Speaker and Ladies and Gentlemen of the House, I thank you for listening and I urge you to vote for the pending motion, which is the Majority Ought Not to Pass Committee Report and please vote green. Thank you.

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. 193**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beck, Bickford, Brooks, Bryant, Campbell J, Chace, Cooper, Corey, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Farnsworth, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Guerin, Hanington, Hanley, Hawke, Herbig, Herrick, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Monaghan, Morrison, Nadeau, Noon, Nutting, O'Connor, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Powers, Prescott, Reed, Rotundo, Sanborn, Sanderson, Saucier, Schneck, Shaw, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Tepler, Theriault, Tucker, Tuell, Turner, Vachon, Wallace, Ward, Warren, Welsh, White, Winsor.

NAY - Beavers, Beebe-Center, Black, Blume, Buckland, Burstein, Chapman, Chenette, Chipman, Crafts, Daughtry, Davitt, DeChant, Devin, Dunphy L, Evangelos, Farrin, Fecteau, Greenwood, Hamann, Harlow, Hickman, Jorgensen, Lyford, Melaragno, Moonen, Parry, Pouliot, Russell, Rykerson, Short, Sukeforth, Timberlake, Tipping-Spitz, Verow, Wadsworth, Wood.

ABSENT - Campbell R, Dillingham, Frey, Grohman, Head, Hilliard, Kinney M, Sawicki, Seavey, Stuckey, Timmons, Mr. Speaker.

Yes, 102; No, 37; Absent, 12; Excused, 0.

102 having voted in the affirmative and 37 voted in the negative, with 12 being absent, and accordingly the Majority



**Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-334)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish the Forensic Treatment Fund To Establish a Behavioral Assessment and Safety Evaluation Unit"

(H.P. 974) (L.D. 1428)

**TABLED** - June 8, 2015 (Till Later Today) by Representative **ESPLING** of New Gloucester.

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

Subsequently, on motion of Representative **MARTIN** of Eagle Lake, **TABLED** pending the motion of Representative **GATTINE** of Westbrook to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

**SENATE PAPERS**

**Non-Concurrent Matter**

Resolve, To Impose a One-year Delay on the Use of Standardized Tests To Evaluate Teachers (EMERGENCY)

(H.P. 517) (L.D. 764)

(C. "A" H-264)

**FINALLY PASSED** in the House on June 8, 2015.

Came from the Senate **FAILING** of **FINAL PASSAGE** in **NON-CONCURRENCE**.

On motion of Representative **KORNFIELD** of Bangor, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment **"A" (H-354)** to **Committee Amendment "A" (H-264)**, which was **READ** by the Clerk.

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

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

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, if I may just ask briefly the purpose of the amendment to be explained. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Representative from Newport, Representative **Fredette**, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative **Kornfield**.

Representative **KORNFIELD**: Thank you, Mr. Speaker. We've already passed this bill in the House, it gives, and in the other body. It had an Emergency Measure on it. We passed it with a two-thirds vote. The other body did not have a two-thirds vote even though they passed it. Just to remind everyone, this was to put a one-year delay on teacher evaluation because we stopped the Smarter Balance State Assessment Test. There's an RFP out for a new test. That new test will be in place next year and that will be the baseline, and we need a year to compare scores.

Subsequently, **House Amendment "A" (H-354)** to **Committee Amendment "A" (H-264)** was **ADOPTED**.

**Committee Amendment "A" (H-264)** as Amended by **House Amendment "A" (H-354)** thereto was **ADOPTED**.

The Resolve was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-264)** as

**Amended by House Amendment "A" (H-354)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

**COMMUNICATIONS**

The Following Communication: (S.C. 419)

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

June 8, 2015

The 127th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 590 "An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out Bag from Tax."

When the City of Portland decided to impose a fee for single-use bags, they knew the state of the law in Maine and that the fee, as structured, would be subject to Maine's existing tax laws. Despite the fact that I submitted a comprehensive budget proposal to the Legislature in January, the Legislature has still not acted. The future of the sales tax, how much it will be and what it will cover are unanswered questions at this time.

Therefore, I do not believe it would be appropriate to support targeted exemptions on an isolated basis before the Legislature has acted comprehensively to address the future of the sales tax and reduce the oppressive burden that the Income Tax has placed on families and businesses in Maine. That is why the Maine people elected us and why I have vetoed this bill today.

As I have said in prior veto messages this session, now is not the time to grant targeted exemptions. Now is the time to address tax reform comprehensively in the State of Maine. I urge the Legislature to stop passing feel-good, limited exemptions that neglect their duty to help the people of Maine.

For these reasons, I return LD 590 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

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

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

The accompanying item An Act To Exempt a Fee for a Paper or Plastic Single-use Carry-out Bag from Tax (EMERGENCY)

(S.P. 206) (L.D. 590)

(C. "A" S-15)

In Senate, June 9, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

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

**ROLL CALL NO. 194V**

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

NAY - Black, Buckland, Crafts, Dunphy L, Edgecomb, Farrin, Ginzler, Greenwood, Guerin, Hanington, Hanley, Higgins, Kinney J, Lockman, Long, Lyford, Malaby, Marean, McClellan, Nutting, O'Connor, Parry, Pickett, Pierce J, Prescott, Reed, Sherman, Stearns, Stetkis, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Dillingham, Frey, Grohman, Head, Herrick, Hilliard, Kinney M, Sawicki, Stuckey, Timmons.

Yes, 102; No, 38; Absent, 11; Excused, 0.

102 having voted in the affirmative and 38 voted in the negative, with 11 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 420)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 780, "Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that

each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 780 unsigned and vetoed.

Sincerely,  
S/Paul R. LePage  
Governor

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

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

The accompanying item Resolve, Authorizing the Director of the Bureau of Parks and Lands To Convey the Parcel of Land in Kittery Known as John Paul Jones Memorial Park to the Town of Kittery (PUBLIC LAND)

(S.P. 278) (L.D. 780)  
(C. "A" S-80)

In Senate, June 9, 2015, this Resolve, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Resolve become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Resolve become law and the veto was overridden.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker, Men and Women of the House, this bill is about a small park in Kittery that Kittery has been maintaining for years. The Bureau of Parks and Lands and the Town of Kittery came to an agreement. Kittery supports it. The Bureau of Parks and Lands supports it. The Committee on State and Local Government supports it unanimously. And this House supported, 135 people, supported it. So, I'm asking you to vote to override this veto. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just want to share with you that this was a unanimous Committee Report; had no opposition from BGS, nor did it have any opposition from DAFS. They all supported it and would urge you to vote green on this one. Thank you.

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

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

**ROLL CALL NO. 195V**

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

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

NAY - Long, Skolfield.

ABSENT - Campbell R, Dillingham, Frey, Grohman, Head, Herrick, Hilliard, Kinney M, Sawicki, Stuckey, Timmons, Mr. Speaker.

Yes, 137; No, 2; Absent, 12; Excused, 0.

137 having voted in the affirmative and 2 voted in the negative, with 12 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (S.C. 421)

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

June 8, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 935, "An Act Regarding Alcohol Manufacturing Licenses Issued to Research Facilities."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 935 unsigned and vetoed.

Sincerely,  
S/Paul R. LePage  
Governor

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

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

The accompanying item An Act Regarding Alcohol Manufacturing Licenses Issued to Research Facilities

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

In Senate, June 9, 2015, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

32 voted in favor and 3 against, and 32 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I urge your vote to override this veto. LD 935 is a pro-business bill that allows the University of Maine Cooperative Extension to work with multiple brewers a year. As many of you know the Maine brewing industry is booming right now and under current law the Cooperative Extension can only work with one brewer for the entire year. This tweak would allow it to work with multiple brewers for the purposes of testing recipes, quality control, food health and safety, and it also helps area hops growers and farmers to get connected with these brewers.

We've heard from businesses that this program's been very helpful. We've also heard that their graduates have gone on to careers within the industry. So, this is a great bill that helps the university as well as businesses in a collaborative agreement. So, I urge you to override this veto. Thank you, Mr. Speaker.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, the University of Maine has been getting involved in cooperating with the Brewers Guild and trying to help out our young brewers in the State of Maine in their quality control and in producing a good product. After a four-year stint up there at college, some of these people have graduated and they have moved on and are conducting the quality control at our brewers here in the State of Maine and elsewhere throughout the country. We presently have 62 micro craft brewers in the State of Maine and for the State of Maine this is an outstanding industry that's doing nothing but growing. I will be voting to override the veto.

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

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

**ROLL CALL NO. 196V**

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

NAY - Crafts, Long, Lyford.

ABSENT - Campbell R, Dillingham, Frey, Grohman, Head, Herrick, Hilliard, Kinney M, Sawicki, Stuckey, Timmons, Mr. Speaker.

Yes, 136; No, 3; Absent, 12; Excused, 0.

136 having voted in the affirmative and 3 voted in the negative, with 12 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Create the Cellular Telephone Labeling Act" (H.P. 602) (L.D. 883)

Signed:

Senators:

WOODSOME of York  
MASON of Androscoggin

Representatives:

DION of Portland  
GROHMAN of Biddeford  
HIGGINS of Dover-Foxcroft  
O'CONNOR of Berwick  
RYKERSON of Kittery  
WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-343)** on same Bill.

Signed:

Senator:

HILL of York

Representatives:

BABBIDGE of Kennebunk  
BEAVERS of South Berwick  
DeCHANT of Bath  
DUNPHY of Embden

**READ.**

Representative DION of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I am in opposition to the motion and I would just like to share a couple of sentences. This is not my speech, but I'd like to share a couple of thoughts.

A former Representative that spoke before us, David Cotta, said, "If there were a hazard associated with the use of a product, why, in the interest of safety and informed consent, wouldn't that information be made readily available to consumers?" That's precisely what we are about here. This is about Right to Know. All we are asking is that they have a word that says either "Safety Notice" or "Disclosure" on the packaging, which I don't think is a big request.

The American Academy of Pediatrics supports the cell phone Right to Know. A gentleman who is a former executive with, and I can't remember who it is, whether it's Google or Apple, but

anyway, he thinks that we can agree on the following: "No manufacturer or distributor of cell phones, nor any regulatory body, can say that cell phones are safe. What they can say is that they meet all safety regulations. Unfortunately our track record in North America is not stellar. We reacted very late to the harmful effects of tobacco, asbestos, BPA, thalidomide, DDT, and urea-formaldehyde insulation. The World Health Organization, in 2011, classified all wireless devices as Class 2b possible carcinogens. Lead and DDT are in that same category. Americans and Canadians believe in the Right to Know. No matter what our political party, we expect our government to be transparent. This is an issue that can be supported across all party lines." That's all I have to say right now and I just hope that you will vote against this motion.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill simply requires manufacturers to include the full language of the safety precautions from the manual on the outside of the packaging or to clearly state on the outside packaging where to find safety information in the manual.

Manufacturers are currently required by federal law to give these warnings in order to conform with safety standards that require cell phones to be held away from head and body. But, these warnings are buried deep in phones or in the tiny print of manuals or inserts. This bill's purpose is to inform consumers of this information and allow them to make personal choices based on that information. I don't think this is too much to ask.

While the intent of this bill is not to argue the science, there are studies that cause one to link cell phone usage to health issues. The World Health Organization states these devices emit a type of radiation that may cause cancer. In 2012, in the *Journal of Epidemiology of Community Health*, cell phone use was associated with behavioral problems in children who were exposed to it both prenatally and postnatally.

More importantly, this bill is about the public's Right to Know and our duty to safeguard the public welfare and that is stated actually in the opening of the Maine Constitution, where it says, "Objects of government. We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty."

Cell phones already come with warnings, such as this paragraph from a warning in an iPhone: "During testing, iPhone radios are set to their highest transmission levels and placed in positions that simulate use against the head, with no separation, and near the body, with 10 millimeters of separation. To reduce exposure to Radio frequency energy, use a hands-free option, such as the built-in speakerphone, the supplied headphones, or other similar accessories. Carry iPhone at least 10 millimeters away from your body to ensure exposure levels remain at or below the as-tested levels." And this warning is not usually seen because it's something that you would need to search for.

A simple warning on a cell phone should not be considered too onerous when weighing the evidence of potential damage to human health. Please give consumers the choice to decide for themselves what they would like to do with this information. Thank you, Mr. Speaker.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, some may have heard this before, but we do count on our government to keep us safe and it sometimes doesn't happen. As an example: radioactive drinks, radium pendants for

rheumatism, uranium blankets for arthritis, radioactive water in the 1900's. Where was the government? They weren't there.

In the 20's, heroin cough suppressant developed by Bayer Labs in 1898 was discontinued by Bayer in 1910, but not outlawed by the US government until 1924. Tobacco used a disinfectant, relieved headaches, colds and fatigue, and nine out of 10 doctors smoked Camels. Where were we? People assumed that the advertising was correct. Lysergic Acid Diethylamide, LSD therapy, to treat alcoholism and schizophrenia. Anybody that took it doesn't know where the government was then. Coke, "the pause that refreshes," still does for some I guess. And in 2009, Vitamin Water, Coke states that, "the Vitamin Water is clearly and properly labeled so consumers will not be led to thinking this product is a healthy beverage," written in very small letters.

If you go to your cell phone, you go about five layers deep, you will find a little bit of comment on radio frequency and if it wasn't important, it wouldn't be in there. My contention is, if it is important, it should be labeled so that people are aware. Thank you.

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, about 10 years ago, I killed this bill when Representative Boland had it in front of the Health and Human Services. Couple of years later, I come back again and killed it again. Last year, Representative Boland called me up and asked me if I would stay out of it because it was coming in front of the Labor Committee, which I'm on now. And I said, "I'll think about it." Well, the next day, there it was and I killed it again. And I guess somebody's going to have to kill me before they'll pass this thing.

As Representative Dion sent this flyer out here—Representative Dion is a practicing attorney—and there's some stuff here that we were told before. It's unconstitutional; the federal courts have consistently found that requiring labels without a valid scientific basis would violate the First Amendment. When this came in front of us before, Mr. Speaker, there was a group from California, bedding down at the Senator Hotel for quite a while, to push it. They even had people from Europe pushing the bill.

I don't know who truly is in back of it, but it isn't from around here, outside of Representative Boland. And to finish up, last week she was in the halls handing out flyers and this week too. I hope she's not violating the Ethics Commission. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, there are quite a few different federal agencies who have looked at this. The Federal Communications Commission, Food and Drug Administration, Environmental Protection Agency, OSHA, National Institute for Occupational Safety and Health, and they've all determined that cell phones are safe.

Also, if you look at statistics you'll see, over the years, cell phone usage and purchases have increased billions over the years, yet the levels for cancer have remained absolutely flat. Also, if this was passed, we would be the first state in the nation to do this. So, we would be an outlier. It would increase the costs of goods and services for all consumers. And, it was actually in San Francisco, they passed this in their city and the 9th Circuit Court ruled against them that they could not uphold this law. Thank you.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker, short and sweet, why do we want to make Maine an outlier again?

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I first want to apologize to my caucus. I misspoke. In actuality, the Minority Report is the amendment that I had proposed. I thought that my report was going to be Report C, but in fact, the Minority Report is my amendment and the Ought to Pass people joined it at a later time.

So, I can speak to you about what the alternative here is to Ought Not to Pass. Basically, we had some very impressive people come before us and speak before this on this topic. But, I had concerns about the wording of the original bill being too onerous. Warnings concern me legally. I didn't feel medically qualified to assert that what they were telling us was true or false. So what can we do when we know that there is the possibility that this could be a serious health risk, and yet it may not be yet provable in court? What do we do to protect our consumers?

And so, the alternative before us is basically one sentence, and it says, "This device emits radiofrequency electromagnetic fields." That's a disclosure, it's not a warning. And the consumer can take it from there if they want to research that and determine if it's something that would affect their use of the product.

Now you have a handout in front of you. It says, "Please oppose LD 883." It's actually, this is a "mission against interests" I guess they call it. I'd like you to take a look at this if you would. They want you to vote green on the Ought Not to Pass Report here. The third paragraph down, it says, "There is no requirement that a consumer avoid direct contact with cell phones." The original wording of the bill that said "Avoid direct contact" we have omitted from this bill; we do not say that. In the next paragraph, Doctor Mills, who had been the Maine CDC Director had said that, "I do not feel that scientific evidence warrants a specific warning placed on cell phones related to potential brain cancer risks." We have no specific warning in this bill and we do not refer to any brain cancer consequences. Okay? And also, next to the bottom, "883 is unconstitutional," it says, "The federal courts have found that requiring labels without valid scientific basis would violate the First Amendment." We're not requiring a warning label. There need no be a valid scientific basis because what we're saying is: Disclose. And it is factual that the device emits radiofrequency electromagnetic fields.

So what would the Minority, if you were to defeat the motion before us, what is your alternative? And I would say that the Minority Report offers that if, in fact, the cell phone manufacturer has safety notifications within it already in fine print buried somewhere that on the exterior packaging, they merely have safety notice—they've used the word safety already in their wording—safety notice, please refer inside for best use of the product. And if they don't have that safety notification inside then they can insert it, but on the exterior packaging it should merely say: "Disclosure: This device emits radiofrequency electromagnetic fields."

So this is about disclosure. It's not about warning. And I have to tell you, I probably came to this position watching my 5-year-old grandson play with a cell phone and wondering what does his mother approve or not approve of, and what does she know? And so I, Ladies and Gentlemen, want to err on the side of the consumer, on the side of informed consent and I would love it if you would follow my light and that will be red. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, when the good Representative was just speaking, was speaking, when he looked down at "unconstitutional," he didn't read all of the, "The CTIA successfully sued the City of San Francisco on First Amendment grounds for adopting an ordinance requiring cell phone retailers to provide information about reducing RX exposure." Is that what we're looking for, the State of Maine to get sued now?

And the next one at the bottom: "The FCC does not require and does not endorse the need for these practices, but provides information on some simple steps that you can take to reduce your exposure energy from cell phones." How much longer is this thing going to be around?

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker, the CTIA dropped their suit upon San Francisco's repeal of the law prior to the court ruling on their petition for reimbursement of \$112 thousand in attorney fees.

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

Representative **DION**: Good afternoon, Mr. Speaker, Ladies and Gentlemen of the House, I would ask your support in passage of this Report Ought Not to Pass. I think some of the most compelling evidence regarding the science of cell phones and the ongoing debate was given today by one of my colleagues in this chamber. When it was quoted: "We cannot say that cell phones are safe, but they meet all safety standards." There's the nutshell of the argument. They're both black and white. It's not clear. The debate rages on. There is no evidence that tilts it one way or the other, and every federal agency that's taken a look at that debate has concluded in the affirmative that there is no proof of harm; no relationship between use of the phone and a myriad of diseases that have been raised as the consequence.

But I'd like to make my argument on a more simple platform, at least it was for me in terms of principle and it has to do with the First Amendment. We have a right to speech, though it can be restricted. We can't yell "fire" in a place such as this and cause a stampede. Our speech shouldn't harm other people or threaten to harm people. But we have an opportunity to exchange ideas and we should. And because of that, we regulate commercial speech. Business entities cannot say anything they want to say. We as a government can find an interest on behalf of the people to ensure what they say is at least factual. And that's the test for the cell phone labeling.

What we're really saying, in plain English, is the government can compel a business to speak when it chooses not to; that a government can compel a business to speak and say something for which there is no factual basis other than the mere possibility of harm; that the government can compel a business entity to assume a cost and potential exposure to litigation on the mere possibility that something is amiss. The government has a responsibility, if it is to compel our behavior as individuals or as corporate entities to make that compulsion predicated on fact.

The fact is absent in this proposition for cell phone labeling and that's what the courts have responded when they've looked at this, and that's what this committee has responded in our Majority Report. And I'll footnote this: The Attorney General has advised this committee and our predecessors that if we were to pass this Report and allow it to become law, then we can be assured of litigation because we've trespassed into commerce clause issues under the federal Constitution, and we would absorb the cost of that failed litigation.

I will not diminish what has happened to some of our citizens on their belief that it arose from their use of a cell phone, but I cannot subscribe to an endorsement of a compulsion against business to do something at the behest of an idea that has not proved to be factual. Thank you.

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. 197**

YEA - Austin, Bates, Battle, Beck, Bickford, Black, Buckland, Campbell J, Chace, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dion, Duchesne, Dunphy M, Edgecomb, Espling, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Grant, Greenwood, Guerin, Hanington, Hanley, Hawke, Herbig, Higgins, Hobart, Hobbins, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin R, McCabe, McClellan, McCreight, McElwee, McLean, Monaghan, Morrison, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Sanborn, Sanderson, Saucier, Schneck, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Alley, Babbidge, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Devin, Doore, Dunphy L, Evangelos, Gilbert, Goode, Hamann, Harlow, Hickman, Hogan, Lajoie, Martin J, Mastraccio, Melaragno, Moonen, Nadeau, Noon, Powers, Russell, Rykerson, Shaw, Short, Stanley, Verow.

ABSENT - Campbell R, Dillingham, Frey, Grohman, Head, Herrick, Hilliard, Kinney M, Sawicki, Stuckey, Timmons, Mr. Speaker.

Yes, 104; No, 35; Absent, 12; Excused, 0.

104 having voted in the affirmative and 35 voted in the negative, with 12 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended** - Minority (2) **Ought Not to Pass** - Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife"

(H.P. 899) (L.D. 1321)

Which was **TABLED** by Representative GIDEON of Freeport pending the motion of Representative SHAW of Standish to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned. (Roll Call Ordered).

The SPEAKER PRO TEM: A roll call having been previously 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. 198**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette,

Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Herbig, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - NONE.

ABSENT - Bickford, Campbell R, Dillingham, Frey, Grohman, Head, Herrick, Hilliard, Jorgensen, Kinney M, Sawicki, Stuckey, Timmons, Mr. Speaker.

Yes, 137; No, 0; Absent, 14; Excused, 0.

137 having voted in the affirmative and 0 voted in the negative, with 14 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-348)** 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-348)** and sent for concurrence.

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

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On motion of Representative BEAVERS of South Berwick, the House adjourned at 5:59 p.m., until 9:00 a.m., Wednesday, June 10, 2015, in honor and lasting tribute to Helen Ruth Vetter, of Eliot.