

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
58th Legislative Day
Wednesday, June 10, 2015

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 Pastor Glen Peterson, Hope Baptist Church, Manchester.

National Anthem by Grace Pouliot, Augusta.

Pledge of Allegiance.

Doctor of the day, Richard Swett, M.D., Dover-Foxcroft.

The Journal of yesterday was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 211)

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

June 10, 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 10, 2015. .

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor and Thomaston

(S.P. 262) (L.D. 732)

(C. "A" S-186)

FINALLY PASSED in the House on June 8, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-186) AS AMENDED BY SENATE AMENDMENT "A" (S-214)** thereto in **NON-CONCURRENCE**.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 207)

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

June 5, 2015

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under 38 MRSA, §420-B, I am pleased to appoint Representative Michael G. Devin of Newcastle to serve as a non-voting member of the Department of Conservation Surface Water Ambient Toxics Advisory Group.

If you have any questions regarding this appointment, please feel free to contact me.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 209)

**MAINE STATE LEGISLATURE
OFFICE OF THE EXECUTIVE DIRECTOR
LEGISLATIVE COUNCIL**

June 9, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

I am notifying you that, pursuant to 12 MRSA §683-A, I have forwarded to the Joint Standing Committee on Agriculture, Conservation and Forestry the following nomination made to the Maine Land Use Planning Commission by the Somerset County Commissioners on June 3, 2015:

Honorable Philip A. Curtis of Madison

Pursuant to 12 MRSA §683-A, this appointment is subject to confirmation by the Maine Senate after review by the committee having jurisdiction over conservation matters.

Sincerely,

S/Grant T. Pennoyer

Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 424)

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

June 9, 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 adhered 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 Create Transparency with Regard to Large Employers in the State with Workforce Members Who Receive Public Benefits" (H.P. 902) (L.D. 1324), in non-concurrence.

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Agriculture, Conservation and Forestry on Bill "An Act To Prevent the Infestation of Firewood by Invasive Species" (H.P. 789) (L.D. 1151), 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 Child Care in the State" (H.P. 674) (L.D. 977), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 425)

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

June 9, 2015

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

Dear Speaker Eves:

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

Upon the recommendation of the Committee on Energy, Utilities and Technology, the nomination of Robert Bruce Williamson of Knoxville, Tennessee for appointment to the Public Utilities Commission.

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

READ and ORDERED PLACED ON FILE.

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.

Expression of Legislative Sentiment Recognizing Emma Cloyd, of Camden

(SLS 245)

- In Senate, **READ and PASSED.**

TABLED - March 24, 2015 (Till Later Today) by Representative BURSTEIN of Lincolnville.

PENDING - **PASSAGE.**

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

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'd like you to help me greet this young woman who is in our chambers today. I've known Emma since she's about 3 years old. Our families grew up together. My son and Emma's brother and Emma herself all went to school together.

During an exercise class one day, her mom, Carly, said that Emma was interested in politics. That was last year. I invited her to come to the Emerge Woman of the Year ceremony. I'm not sure, but I think that being there, seeing the amazing women step forward to serve in elected positions might've given Emma a glimpse into possibilities for her future. When I decided to run for State House, Emma stepped forward and became my campaign assistant. This young woman drove me, wrote many clincher

cards, became my IT expert, and attended events that I couldn't make it to.

Emma was essential. She always has a smile on her face despite how many AP classes she had to pass and she always chipped away at things when need arose. Emma just graduated in the top 10 of her class of Camden Hills High School. And I want to tell you some of the other achievements that this young woman has done. She's been in Vietnam for a semester. I lost my spot here. She won the Wellesley Book Award for young women who showed exemplary service and leadership with high academic achievement. She won the DAR Good Citizen Award; she was the finalist based on her presence within the school community and what she added to it. She was a state runner-up for the Prudential Spirit of Community Service Award – this is a national program for people who have displayed dedication in leadership to specific service opportunities – she received for co-founding a chapter of the Liberian Educational Fund. She's an AP scholar, which means she took three AP exams and scored fours and fives on all of them. Emma's a member of the National Honor Society, which is based on academics, character, dedication to serve in leadership abilities. She had the Prudential Volunteer Award.

And Emma is here today and I want to read one other thing that I wrote about her because I needed to give her a recommendation. And I wrote this. I said, "Emma Cloyd is an amazing young woman. She has worked with me for approximately a year while I've been planning and running my campaign for Maine District 96 Legislative seat. She has shown determination, skill, innovative thinking and compassion. Emma takes on challenges with a smile on her face and kindness in her heart. Nothing seems to deter her from her path. She reaches high and puts in the thoroughness and work to reach her goals. I would be happy to endorse her and recommend her." Ladies and Gentlemen, this young woman, I'm sure, will be sitting in this House someday. So, I wanted to just say thank you to Emma. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** in concurrence.

Expression of Legislative Sentiment Recognizing Christopher Lenardis, of Auburn

(HLS 572)

TABLED - June 4, 2015 (Till Later Today) by Representative BICKFORD of Auburn.

PENDING - **PASSAGE.**

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-209)** on Bill "An Act To Create a Cause of Action for Damage to Public Easements"

(S.P. 377) (L.D. 1074)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
DAVITT of Hampden

LAJOIE of Lewiston
 NADEAU of Winslow
 THERIAULT of China
 WARREN of Hallowell

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

Signed:

Representatives:

CHENETTE of Saco
 GERRISH of Lebanon
 LONG of Sherman
 TIMMONS of Cumberland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-209)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-209)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-209)** in concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (EMERGENCY)

(H.P. 904) (L.D. 1329)

Signed:

Senator:

HILL of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)** on same Bill.

Signed:

Senators:

WOODSOME of York
 MASON of Androscoggin

Representatives:

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

READ.

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

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

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

The **SPEAKER 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, this bill, 1329, is an effort to improve the decommissioning requirements. It is also an effort to change ambiguous language that favors one source of renewables over another and creates a level playing field for all sources of renewables. This was a 16 section bill; I scrapped 14 sections because, frankly, I only found two to be worthwhile towards efforts to ensure prudent policy that taxpayers will see the fairest value from.

The risky nature of wind development can put landowners, towns, and the State of Maine at risk of cleaning up massive blight. In fact, there are currently hundreds of projects nationwide that have left communities with a blighted environment and not enough money to clean it up because profits had been front loaded without proper insurance bonds to ensure restoration to natural beauty. Wind developers promise that they will set aside a million dollars to decommission large projects. They hire experts to convince regulators—the permitting authority is the DEP—that such a decommissioning fund is adequate. They overestimate the value of scrap recovery while underestimating the cost to dismantle and remove these huge remote industrial complexes. These towers are behemoths and to remove them they must be cut in six foot sections to haul away. There is metal in these, but there is also much composite material as well as fuel that can wick if it is left unattended. It is not an easy task and it is not cheap to clean up what man has profited from. A performance bond requires the wind developers to pay for a contract that guarantees today that whatever the cost is, whenever it is necessary, a third party will perform the decommissioning, just as Maine requires drivers to carry liability insurance. This is prudent public protection.

Nobody in Maine has used performance bonding yet. And they won't unless 1329 passes. Yes, the DEP requires them to fully fund the decommissioning, and to revisit it every five years, but they allow the applicant to estimate the decommissioning costs as well as the "scrap" values. When they say that the \$400 million Bingham project will cost \$1.5 million to decommission, I do have serious doubts.

When forced to do an honest appraisal because taxpayers were on the hook, Falmouth, Massachusetts, costs were \$3 million per turbine. Those are not on a remote mountain, but in a flat industrial park. The costs were so high they decided to keep the turbines up instead of shutting them down because of all the problems they were having.

Decommission must include the removal of all turbine components and associated transformers from the site, removal of the collector circuit components from the site to a depth of at least four feet below grade and removal of all project-related substation components from the site. It is prudent to ensure Maine's environment remains pristine for generations to come.

A wind developer should be able to negotiate a low rate for a performance bond. If they are right about the scrap markets and high salvage values then the bonding company will take the investment and there will be very little price difference in the upfront money they must invest to secure that valid financing to ensure proper decommissioning that is not on the backs of the taxpayers, but instead the individuals who will profit from the investment.

The wind industry, through technology and innovation, is improving every day and I have reason to believe that this will continue. The reality is that the current and past projects have about a twenty-year life span, a mere blip in the passage of time. Blight lasts much longer and carries a significant negative impact in the larger picture, a picture most don't want to see.

I was attacked on social media by a very large construction group that profits from building these huge industrial complexes. Perhaps they should consider that private investments will allow them to profit now and when the time comes to decommission, once again they will profit and the dollars will be secure to pay them from those same investments and not on the backs of the hard working taxpayers. I am not anti-wind, I am pro-taxpayer and pro-environment. And I thank you all for your time and urge 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. 199

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

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

ABSENT - Devin, Marean, McLean, Winsor.

Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, and accordingly 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 Not to Pass** on Bill "An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose" (H.P. 897) (L.D. 1319)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford

GILBERT of Jay
MASTRACCIO of Sanford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)** on same Bill.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 17) (L.D. 35) Bill "An Act To Allow a Qualifying Patient To Use Medical Marijuana in a Hospital" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-220)**

(S.P. 183) (L.D. 454) Bill "An Act To Enact the Student Information Privacy Act" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-222)**

(S.P. 300) (L.D. 856) Bill "An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-224)**

(S.P. 333) (L.D. 942) Bill "An Act To Permit the Use of Firearm Noise Suppression Devices in Hunting and To Provide for a Chief Law Enforcement Officer's Certification for Certain Firearms" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-218)**

(S.P. 389) (L.D. 1117) Bill "An Act To Clarify the Policy for Withdrawal of Life Support from Minors" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-232)**

(S.P. 405) (L.D. 1136) Bill "An Act To Amend the Maine Business Corporation Act" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-233)**

(S.P. 443) (L.D. 1238) Bill "An Act To Allow the Release of Child Protective Records to Certain Providers of Child and Adult Services" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-231)**

(S.P. 523) (L.D. 1405) Bill "An Act To Amend the Licensing Laws of the Maine Fuel Board" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-229)**

(S.P. 544) (L.D. 1443) Bill "An Act To Merge the Maine Educational Loan Authority with the Finance Authority of Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-223)**

(H.P. 649) (L.D. 946) Bill "An Act To Change Laws Amended by Public Law 2013, Chapter 369, Also Known as the Omnibus Energy Act" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-369)**

(H.P. 863) (L.D. 1263) Bill "An Act To Create Jobs and Promote Investment in Maine's Economy through Increased Access to Solar Energy" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)**

(H.P. 906) (L.D. 1331) Bill "An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-373)**

(H.P. 912) (L.D. 1343) Bill "An Act To Increase Access to Postsecondary Education for Maine National Guard Members" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-364)**

(H.P. 920) (L.D. 1350) Resolve, To Increase the Reimbursement Rate for Direct-care Workers Serving Adults with Long-term Care Needs Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-371)**

(H.P. 929) (L.D. 1368) Bill "An Act To Require the Documentation of the Use of Seclusion and Restraint at Mental Health Institutions in the State" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-372)**

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

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

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

ENACTORS
Acts

An Act To Improve Access to Treatments for Lyme Disease
(H.P. 289) (L.D. 422)
(C. "A" H-216)

An Act To Allow Access to Certain Death Records
(S.P. 266) (L.D. 736)
(C. "A" S-199)

An Act To Protect Taxpayers by Regulating Personal Services Contracts
(H.P. 800) (L.D. 1166)
(C. "A" H-170)

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.

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

UNFINISHED BUSINESS

The following matter, 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.

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

(H.P. 988)

TABLED - June 9, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ADOPTION**. (Roll Call Ordered)

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, this Resolution has some similarities to the one that we looked at yesterday. I just want to let you know that this particular Resolution is the one that has been circulating around the country by a group known as Wolf PAC, and my understanding is four states have already passed this Resolution and I'd be happy to answer any questions that anyone might have about it. The goal of this is similar to the one that we looked at yesterday, so I won't belabor the point and talk further. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: A roll call having been previously ordered, the pending question before the House is Adoption of the Joint Resolution. All those in favor will vote yes, those opposed will vote no.

Pursuant to Joint Rule 215.1, this Joint Resolution required the affirmative vote of two-thirds of those present for **ADOPTION**.

ROLL CALL NO. 200

YEA - Beavers, Beck, Beebe-Center, Black, Buckland, Chapman, Chenette, Chipman, Crafts, Daughtry, Davitt, DeChant, Dunphy L, Evangelos, Farrin, Fecteau, Greenwood, Hamann, Harlow, Hickman, Hubbell, Hymanson, Jorgensen, Melaragno, Moonen, Morrison, Russell, Rykerson, Sanborn, Short, Stuckey, Sukeforth, Timberlake, Wood.

NAY - Alley, Austin, Babbidge, Bates, Battle, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Cooper, Corey, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Espling, Farnsworth, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, Monaghan, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Tepler, Theriault, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor.

ABSENT - Devin, Marean, McLean, Mr. Speaker.

Yes, 34; No, 113; Absent, 4; Excused, 0.

34 having voted in the affirmative and 113 voted in the negative, with 4 being absent, and accordingly the Joint Resolution was **NOT ADOPTED**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONVENTION OF THE STATES TO PROPOSE AMENDMENTS TO THE UNITED STATES CONSTITUTION TO IMPOSE FISCAL RESTRAINTS, LIMIT FEDERAL POWER AND IMPOSE TERM LIMITS

(H.P. 804)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

TUELL of East Machias

TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-365)** on same Joint Resolution.

Signed:

Senators:

WHITTEMORE of Somerset

WILLETTE of Aroostook

Representatives:

EVANGELOS of Friendship

GREENWOOD of Wales

PICKETT of Dixfield

READ.

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

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 (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-48)** - Committee on **JUDICIARY** on Bill "An Act To Protect the Rights of Property Owners"

(H.P. 120) (L.D. 162)

TABLED - April 14, 2015 (Till Later Today) by Representative HOBBS of Saco.

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

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-124)** - Committee on **JUDICIARY** on Bill "An Act To Connect the Citizens of the State to the State's Natural

Resources by Establishing Standards for Relief from Regulatory Burdens"

(S.P. 124) (L.D. 309)

- In Senate, Minority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-124)**.

TABLED - June 4, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

The SPEAKER 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, I rise to support the Minority Report on LD 309. It's tempting to believe that government would use its power justly and with restraint and perhaps solely against big interests, but in the absence of the Takings Clause, the government's good faith would have to be relied on. Hence, we have the Bill of Rights.

It's unfortunate that history often shows us that governmental restraint does not fare up well against political pressure. In fact, it seems big interests are in a better position to fight against or work with governments than an ordinary citizen. This bill tries to address that dilemma. The threats to the Takings Clause are not idle. There are hundreds of small landowners who work their land in Maine and depend on it for value for the future of their families. They are entitled to all the protection they can muster against some of the follies of government regulations. Their interests—life, liberty, property—require strengthening the Takings Clause which is why I was a cosponsor on this legislation. Right is right, and wrong is wrong no matter how well intentioned, is still wrong.

I went to mediation on this where there should be some give and take. However, there was none from the Natural Resource Council of Maine who claimed 99 percent of cases filed with the DEP were resolved, so there was no need for this legislation. I ask you, Ladies and Gentlemen of this House, is it okay that anyone have their property rights forcibly taken without compensation? Even a small one percent? That one percent could be your land and your pockets will be the ones turned inside out by uncompensated government regulation.

What is more, how many have not been able to understand or afford the legal process and have been too intimidated to come forward or will be in the future? Could that be you? Could that be your friends, your loved ones, your neighbors? The obligation to pay just compensation, in other words, fair market value must be awarded and it must be awarded in a timely manner. Our laws should always make government officials think twice before enacting regulations that harm the property rights of individuals.

This legislation is simple and it's Constitutional. It is also supported by the Maine Farm Bureau, the Maine Aggregate Association Inc., the Maine Forest Products Council, the Maine Snowmobile Association, the Associated Builders and Contractors Inc., the Maine Real Estate and Development Association, the Maine State Chamber of Commerce, Associated General Contractors of America, and the Maine Association of Realtors. And I say to you: In 1851, Frédéric Bastiat said in The Law, penned, "Life, liberty, and property do not exist because

men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place." I urge you to follow my light and vote "no" to the Majority Report. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Mr. Speaker. Mr. Speaker and my esteemed Colleagues in the House, I rise in support of the Minority Report for LD 309 and I oppose the motion on the floor. The people of Maine take pride and pleasure in the natural beauty of our state. We strive to conserve our natural resources for ourselves and for future generations, and rightly so. In my opinion, one of the best ways to do so is to guard against the erosion of private property rights. No one loves a parcel of land more than its owner, whether that parcel is a farm, woodland, or in my case, my little half-acre tract. No one cares more about its sustainability and its use for future generations than the private property owner. For many Maine citizens, their property is the sum total of their worth.

Just a little definition in order: A "taking" is the destruction of a personal interest in property. A "partial taking" is a restriction or impairment of the right to use it. In either case, the property owner is entitled to compensation.

When we purchase property, we often adhere to restrictions for its use that are imposed, for example, by local zoning ordinances or other regulations. At the time of purchase, we calculate and agree upon its price and its future value. If, however, in the course of time, a law or regulation is passed that lowers that calculation significantly, the owner is, in effect, deprived of some or all of the wealth invested in that property. I believe that action requires relief. One gentleman who testified before our committee made this point that I found compelling: What if the government decided to take a good chunk out of your IRA or your 401K retirement savings plan to serve some larger purpose. Would you be okay with that? I think not; I certainly wouldn't be. But that is what government is doing to some private property owners.

Mr. Speaker, the individual property owner is at a disadvantage when going up against the power of government. Not only is the burden on her to prove her economic loss and defend her right to use her own property, she has no effective mechanism for redress. The state, on the other hand, can pass a law or issue a regulation wresting partial control from her with impunity. As the government at all levels increasingly imposes restrictions on land use, no matter how well intentioned, it is still an alarming shift of the balance of power between an individual and the government. And, I contend, it is contrary to the basic tenet of our Constitution. LD 309 re-establishes some measure of balance between the private citizen and her government when it comes to property rights.

LD 309 does three important things: First, it defines a regulatory taking to mean the loss of at least 50 percent of the fair market value of a contiguous parcel of land. Second, because the law is prospective, taking effect on August 1, 2016, it avoids retroactive causes of action. And third, when a property owner offers clear and convincing evidence of loss, it calls for mandatory mediation that may result in either compensation or a variance. LD 309 is fair, it's workable, and I urge my colleagues to vote according to my light. Thank you.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of the pending motion. We heard from the proponents of this bill that landowners have no recourse when their land value is affected by

a regulation. That is simply not true. There are many options for recourse. I will list them for you.

First of all, regulations are not passed in the dark of night. There are public hearings, both at the Legislature, at municipal bodies, at regulatory bodies. There's rulemaking where the public can have input. So that's the first recourse is making sure that the decision makers hear your voice. Second recourse is asking for a variance. Variances are commonly granted, so that's certainly an option. Third recourse if a decision maker doesn't make a decision that you like about a regulation, you can un-elect them. Fourth recourse is the existing mediation program. And the fifth recourse is an appeal in court.

You have a flyer on your desk saying that landowners don't mediate using the current mediation process because they can't win. We heard that at the public hearing and so we asked the Judicial Branch, who runs the mediation program, for information on mediation and what the outcome was when landowners take advantage of it. In a dispute with the Town of Sebago, a landowner and the town reached a settlement. In the dispute with the DEP, folks in Sidney reached a settlement. In a dispute with the Town of Falmouth, a landowner didn't go to mediation because they reached agreement right before they were scheduled to go to mediation. In the Town of Harmony, a landowner and the town reached a settlement. The Christian Life Church versus the Town of Elliot reached a settlement. The Dunelawn Owners Association versus the Town of Ogunquit reached a settlement. I could go on, but I think the evidence here is that the mediation program does work if people take advantage of it.

This is the seventh time that we've seen this bill. It has failed every time, in Democratic majorities, Republican majorities. There's good reasons for that. The former Republican Attorney General, Bill Schneider, had this to say about this bill: "This bill attempts to eliminate the exhaustion of administrative remedies requirements that courts currently apply to cases coming before them. This requirement is a failure to exhaust administrative remedies and under this doctrine the failure of someone to pursue an administrative process forecloses them from filing suit in court. The rightness and exhaustion of remedies requirement ensures that landowners have a real, and not hypothetical, interest in developing or using their property in a particular fashion."

The former Attorney General went on to say that if this bill is enacted, a person would be able to initiate a lawsuit against the state or any other regulatory body, like municipalities, by claiming that a regulation reduces the plaintiff's property value by 50 percent or more based upon theoretical developments, or theoretical uses, without having put any real effort into the project. This seems to discourage landowners from working with state agencies to achieve their objectives consistent with applicable law, and instead encourages litigation as a first resort.

We have no doubt that the bill, if enacted, would cause an increase in litigation. I think in most situations we would agree that litigation should not be the first resort, it should be the last resort, and under the five current resources that I listed for you that landowners have available to them, appeal in court is the last resort. Because this would make appeals in court the first resort, the Judicial Branch and the Attorney General's Office have put significant fiscal notes on this bill—well over a million dollars. And, while I'm a big fan of the judicial branch as a member of the Judiciary Committee, I fully support funding that branch fully so that our citizens can have access to justice, and I'm also a fan of our current Attorney General, I'm not interested in giving the Judicial Branch or the Attorney General millions more dollars to defend the state against claims that are unnecessary when they

could've been resolved by mediation in the first place. So, for that reason, I support the pending motion and ask you to do the same. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you Mr. Speaker, Members of the House, this was a bad bill the last time it failed, and it's a bad bill today. If enacted, it would pit neighbor against neighbor, town against town, community against community. It would be a bonanza for lawyers and a nightmare for landowners. This bill would only benefit special interests and corporations who can hire the attorneys, appraisers, and lobbyists needed to exploit the bill's vague provisions to get what they really want—which is "waivers from Maine law"—so they can pursue developments that otherwise would be illegal. Please vote green.

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

Representative **HOBBS**: Thank you, Mr. Speaker and Men and Women of the House, the Judiciary Committee spent a great deal of time on this issue, a bill that was presented by good gentelady from Berwick, Representative O'Connor, and also the other bill, which is presently before you, from a colleague of mine in York County, the Senator from York, Senator Collins. The committee had a very thorough hearing on this bill. Both sides presented their cases very well. And it came down, I think, to looking to see realistically whether or not there was a silver bullet this time, that there wasn't the six times prior to this particular bill or a version of this bill met this demise here in the Maine Legislature.

I'd like to just make three basic points. I believe that the presentation of those who support this bill have the sincerest interest and are well-versed with research that was done to support their side, and I commend all the committee members on my committee, both those who support this bill and those who didn't support this bill for looking at this bill objectively in a very mature fashion. But, when it came down to balancing the issues, I basically put down three points that I thought would be for your consideration.

First, this bill would create the potential of millions of dollars in new demands on the State Treasury but no money to be provided for in this particular bill. There would be a significant cost, it appears, to the Judicial Branch of government, to the Office of Attorney General, which would have major new cost defending the state's interest in mediation cases and litigation, and the state agencies that would have to be involved in these particular issues and that's an additional cost on our constituents, the taxpayers of Maine. There has been no mention, potentially, of millions of dollars, no mention in the debate of the millions of dollars that this bill could cost in compensation payments.

Unfortunately for the State of Oregon, there was an initiative petition that was adopted, Measure 37, in Oregon. Very similar bill than the two bills that are presented to you, this particular bill less than the first bill that was, which we accepted the Ought Not to Pass Report on just moments ago. In the two years that this bill was in effect, there were 7,000 claims for compensation that were filed, which totaled 20 billion, "b" as is "boy," billion dollars and resulted in more than 400 lawsuits. It was because of this overwhelming, exhaustive play on the administrative and the judicial branches because of this bill that it was soon repealed after only two years in operation. Put simply, this bill has the potential of being a budget buster.

Second point I'd like to raise is that the Minority Report allows Maine law to be waived if you don't have the money to make compensation payments. I don't know about you, but I've been really frustrated and disappointed since my return to the

Legislature in 2014 after being out for 14 years. On the first day I was sworn in, we had a \$1.2 billion deficit. And up until recently, the last six or eight months, we've been running in the red all the time in our Appropriations Committee and a Taxation Committee had to do acrobatics to try to balance the budget along with leadership. This means when you have a situation where you can, instead of the compensation, you can waive Maine law, that the law would apply to some people in Maine but not to others. All of us should be concerned about waivers of Maine law that would allow some people and developers to build structures that otherwise would be illegal. Creating new problems for neighbors, communities and the environment, to me, is a potential reality.

The third point I'd like to raise with you this morning during this discussion of this major issue is this bill is really unnecessary because this Legislature prudently passed a bill in 1995 that established a land use mediation program. Unfortunately, it's not widely publicized and I think that the state has not done a good job of attempting to implement this particular law that has been in effect since 1995. But, overall, if you talk and listen to comments, as our committee did, it appears to be working but it could do a better job with more publicity. The Maine Legislature created this land use mediation program that has been used to settle land use cases in Maine to some great degree, but more people need to know about the program and that's why the Judiciary Committee sent a letter to the Judicial Branch urging them to increase awareness of the program through their website and other communications.

That is not even a major step. The major step would be to try to get every community in Maine to, essentially, have the same postings on their websites about the availability of this very important mediation program. For these reasons, I urge my colleagues to follow my light today and support the Ought Not to Pass motion, even though there is more work to be done about transparency and about trying to make the present system work better. And finally, let me say I commend my fellow committee members for their hard work and dedication on this bill, and commend all the stakeholders on both sides of this issue for bringing very cogent arguments to our committee for its consideration. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, many of you know that I am a former elementary school teacher. I ask you to think back to your elementary school days right now. Picture your second grade classroom and your school mates sitting at their desk. I bet you can remember a case where one student took something that belonged to another and got caught. It wasn't fair and the student either had to return the item or their family had to compensate for the loss.

In the case of this bill, LD 309, the state is the one doing the taking of something that belongs to someone else. Suppose your parents have owned a piece of property for 30 years with the plan to sell it as beautiful, forested house lots to pay for their living expenses during their senior years. They have planned ahead and are prepared to take care of themselves. Then a new regulation is adopted that dictates how that property can be used and your parents can no longer sell the land for the value that it would have had in their golden years plan.

LD 309 simply says that your parents would be compensated for the loss of their land use value and that the state would look at their individual property and give them a variance if they chose to. There will be absolutely no cost to the state for any regulations currently in place, only additional regulations that

would have to consider the fiscal note related to imposing a new, additional regulation.

So back to the classroom. In my classroom and hopefully in the classrooms you sat in too, there was an expectation of protection of personal property. LD 309 would make sure that that simple concept of fairness is followed in the adult world too. Please follow my light.

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in support of the pending Ought Not to Pass motion. As a member of the Judiciary Committee, I listened carefully to all of the testimony on this bill and the more I listened, the more concerned I got about the underlying purpose of this bill. I strongly believe in property rights, but I also believe that nobody should assume that Maine laws and regulations are fixed in stone forever.

The needs and interests of society and of the Maine people change over time. Lawmakers in this body and at the local level respond to those changes and they do so with adopted laws and regulations that balance interests with lots of public involvement. And if decision makers don't get it right then the public has a recourse to push for changes. But this bill would bypass the public policy process creating a scheme through the court system that would allow property owners to extract huge payments from the treasury or to get waivers from Maine law.

This is deeply troubling to me, both the potential huge costs of this bill, and the fairness issue allowing those with the ability to pursue claims to create loopholes in Maine laws just for themselves. Our rivers, lakes, streams, air, forests, and wildlife all have benefitted from land use laws passed over the years. Without those laws, such as shore land zoning, our lakes would be far more polluted and the property on Maine's lakes would be worth much less because of that pollution.

If this bill had been in place 40 years ago, we wouldn't have clean water in our lakes today. Mr. Speaker, I am an environmentalist and I'm a property owner. As a shareholder in Lucky Point Club, LLC, I am one of 18 owners of two camps on Spencer Bay in Moosehead Lake and one camp on Pleasant Ridge in Bingham. During a lightning storm two years ago, almost to this day, one of our camps burned down to the ground and when we decided to rebuild it, we had to move it further from the lake as required by shore land zoning. Did that reduce the value of my camp? Yes, I'm sure we could've claimed that it did, but it was the right thing to do for protecting the water quality of Moosehead Lake.

I cannot imagine having a law in place that would've allowed me to demand payments from other Maine citizens for having to build further from the lake. But that's what this bill will do. As I said, the more I listened to the testimony on this bill, the more concerned I got about the cost, complexity, conflict, and unfairness that would be generated across the state if we created this vast new opportunity for people to flood the courts with demands for payments from the State Treasury. Simply defending the state against these claims would cost millions.

This bill is a direct attack on the ability of Maine people to make decisions in the future aimed at protecting the character of our state and our communities from a broad array of potential challenges. Please join me in voting in support of the pending Ought Not to Pass motion. 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 favor of the pending motion. This is a prime example of a bill that would have a wide

swath of unintended consequences. While it may sound simple in concept—What could be better than protecting each of our own individual properties?—it's nefarious in its ramifications.

This bill would pit neighbors against neighbors, landowners against towns and states, and create a case-by-case set of laws for individual landowners based on one's property and beliefs. This bill would undermine several key environmental policies that protect our incredible quality of life in Maine. In fact, it would gut most of the policies that have protected our water, land, and air. One of Maine's greatest assets is our quality of place and LD 309 threatens those natural assets.

This bill would bankrupt towns and states and, in fact, I feel the only party that would benefit from this bill would be lawyers who would collect millions of dollars in fees from this bill. Please join me in supporting the Ought Not to Pass Report.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Mr. Speaker, and I apologize for rising a second time, but I just wanted to make a statement of fact and that is that currently, a municipality is under no obligation to mediate. And my good friend and colleague on the Judiciary Committee from Portland was correct that there are some municipalities that have mediated. But we heard from witnesses where that was not the case, and there is certainly nothing in statute that requires them to mediate, in good faith or otherwise. I would like to see that in statute.

I find the fiscal note interesting. Curious. I know that in the past when this bill came before, I believe that we were talking about retroactive causes of action. This bill understood that that could mean quite a bit of, quite a large fiscal note and that is the reason that this bill is prospective, not kicking in for another year, 14 months. But I still find it curious that the fiscal note is about the same. And I would make this point: If in fact it is anticipated that there would be a run to the courts, I would say that that is evidence of the point that we are making, which is that there is a pent up demand for justice, which has not been available to the property owner up to now.

And the last point I will make is this: I certainly have no problem, and I know my colleagues do not have any problems, with regulations for clean air, clean water. I consider myself, personally, a conservationist—no problems whatsoever with regulations. The issue is fairness and the balance between the state and the private property owner. In every case, whether it be eminent domain or takings, we always assume that there is compensation when we have pretty much destroyed all or part of the interest in that property. And that's what this is about: fairness, not about restricting regulations at all. 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, I apologize for rising a second time. I've heard the arguments and I still believe that to not pass this law gives credence to the travesty of legalized plunder, which is defined as: See if the law takes from one person what belongs to them and gives it to other persons to whom it does not belong. See if the law benefits one citizen at the expense of another by doing what the citizen cannot do without committing a crime, then abolish this law without delay, for it not only evil itself, but it invites a fertile source for further evils and invites reprisals.

I remind you: One percent of the cases are not resolved. That could be you. Your loved ones, your family members that could lose everything. I'm not talking about a camp. I'm not talking about those who are wealthy enough to have camps. I

am talking about real people with real farms and real land that have lost everything, everything they've ever owned.

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

Representative **TIMBERLAKE**: Thank you, Mr. Speaker Pro Tem, my thoughts on this: if you want to take the citizens of the Maine's land and rights, then you need to pay for it. If you want to steal the rights of the farmers who've maintained this land in this state for the last 200 years, you need to pay for it. It's not free. They paid the taxes, they paid the rights, they own it, they worked for it with their own sweat and blood and all you guys can think about doing when we pass a regulation that makes it so they can't sell it and devalues their land, nobody pays for it but the farmer or the large landowner who doesn't have the money. And you've taken his inheritance and his checkbook and his savings account away from him. If you want to take it, pay for it, stop stealing it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker, Men and Women of the House, this brings me back to my college days. No matter how much I enjoyed the keg party, it was never worth the hangover the next day.

This bill is so broadly written that it means any law, rule, ordinance, or other governmental limitation imposed by the state or state agency in the use of real property. That's what's in this bill. Now that beer may taste good, but it comes with a hangover, and here's what it is in reality. As an example, let's take wind power. Mountain tops are good for scenery, but the only real economic value is putting a turbine on top of it. Now over in Environment and Natural Resources Committee, we've dealt in the past with noise ordinances. You know, going forward, if this bill were to pass, I don't know how it is possible to pass environmental standards that protect rural Mainer, without putting some mountain tops off-limits, diminishing their value by more than 50 percent. I don't know how that's even possible to enact that kind of protection for rural Mainer.

We've had some good bills in ENR this session, where we're being asked by rural Mainer to protect them from the cumulative impacts of industrial development of mountain tops and protect critical viewsheds. I find it appalling that I can't protect rural Mainer from inappropriate development without having to take their tax money and give it to the developers. I can't believe we are willing to put taxpayers at such risk, putting them right in the middle where they lose either way. Let's say I want to do a vacation home development project. But your wind power project would ruin my development project. No matter which way regulatory action goes, the taxpayer has to compensate the loser.

Under the definition, a permit, any permit, is a government action whether it's the Department of Transportation regulating excessive curb cuts, the Department of Environmental Protection defending clam flats from septic system discharges, every single permit. If this bill passes, whenever a permit is denied, the taxpayer has to compensate the landowner whose project couldn't even meet standards. We've got a carry-over bill in the committee which would offer better protection to landowners in Plymouth from the terrible odor impacts of a sewage treatment center abutting their properties.

If LD 309 is in effect next year and we pass that carry-over bill, it would create a cause of action for that operator and any regulatory action that keeps that company alive, severely limits the ability of the landowners next door to sell the property and the neighbors get a cause of action. The taxpayer loses either way. This bill comes forward every two years. You would think by now

we could come up with something that doesn't make the taxpayer responsible for everything. 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. 201

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

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Edgecomb, Esping, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, 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 - Marean, McLean.

Yes, 85; No, 64; Absent, 2; Excused, 0.

85 having voted in the affirmative and 64 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)** on Resolve, Establishing the Study Commission To Ensure Integrity in the Use of Service Animals (EMERGENCY)

(H.P. 591) (L.D. 872)

Signed:

Senators:

DILL of Penobscot
SAVIELLO of Franklin

Representatives:

HICKMAN of Winthrop
BLACK of Wilton
CHAPMAN of Brooksville
DUNPHY of Old Town
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou
NOON of Sanford
SAUCIER of Presque Isle

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

Signed:

Senator:

EDGECOMB of Aroostook

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-370)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-370)** and sent for concurrence.

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 (10) **Ought to Pass as Amended by Committee Amendment "A" (H-333)** - Minority (3) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Safe Drinking Water for Maine Families"

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

TABLED - June 9, 2015 (Till Later Today) by Representative GATTINE of Westbrook.

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

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

Representative **GATTINE**: Thank you, Mr. Speaker, Men and Women of the House, we have a public health crisis in Maine. A crisis that threatens something that we often take for granted: the right to safe and clean drinking water. Now I hope we would all agree that everyone has the right to drink water that is safe, clean, and free from poisons, yet here in Maine we have a long way to go to ensure that that's the case and that families have access to water that is free from toxic chemicals like arsenic or radon.

That's because Maine faces a unique challenges when it comes to water. Half of all Mainers drink water from private wells and private wells are not subject to any of the same safety oversight as public water systems. Maine is situated on top of bedrock and dangerous chemicals like arsenic, radon, fluoride, and uranium leach into our groundwater. One in ten wells in Maine contains a level of arsenic that is above the safety threshold set by the EPA. And in fact, many of our towns are hot spots, where nearly half of all wells contain unsafe arsenic levels. Some wells contain 30 to 50 times the safety threshold, levels found to cause skin, bladder, and lung cancer.

All in all, an estimated 150,000 Mainers have drinking water that is contaminated with arsenic at some level higher than the Safe Drinking Water Standard—150,000 Mainers. Now in spite of these clear dangers, right now, less than half of all Mainers who rely on private well water are getting their water tested. And that means that vulnerable people, including pregnant women and children, are routinely exposed to chemicals that we know can cause learning disabilities, birth defects and cancer. And I think as legislators, we can't continue to tolerate this.

The bill before us is designed to make Mainers, including children and pregnant women, safer by significantly increasing the number of families who test their private well water. The bill increases water testing by providing the Maine CDC with resources to do outreach and education so that everyone knows the importance of testing water. We know there are some very simple outreach methods that work when it comes to getting people to test, like public service announcements, use of newspapers and social media, distributing information to people's doors, we need to do all of these things to tackle this problem. And in the committee, Mr. Speaker, we heard from businesses, consumers, and health experts that told us that these efforts do have a real impact.

This bill does not place any tax or fee on private business. It collects a small fee from the state's public health laboratory whenever they conduct a water test. It would also make sure that Maine CDC's water testing website has clear instructions for getting wells tested. And based on a suggestion that we received from the Maine Well Driller's Commission, the bill directs the commission to adopt a standard set of educational materials that customers will receive every time a new well is drilled. Mr. Speaker, I think this is an important effort to make sure our kids and future generations have access to safe water and I hope the chamber will support the motion on the floor. Thank you, Mr. Speaker.

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

Representative **VACHON**: Mr. Speaker, Ladies and Gentlemen of the house, it is estimated that as many as 150,000 private wells are contaminated with arsenic, and many Maine residents may not know that their well is contaminated. This is a real problem. Arsenic in your water is linked to skin cancer, lung cancer, and bladder cancer. Arsenic exposure is also associated with lower IQ Scores. I dare say—if arsenic was in my water, I'd like to know about it.

This bill strives to increase public awareness by increasing communication through improved marketing materials and public service announcements. It is a call to test your well. For the health of Maine residents, I urge you to follow my light and support LD 1162. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, arsenic in our water is a danger to our citizens in this state, that is certainly for sure. However, the CDC already has \$150,000 a year for outreach and education on arsenic and the importance of having our wells tested.

The good Representative from Westbrook just said that this does not put a tax or a fee on any private citizen. What this does, that may not necessarily be completely correct, this will actually add a fee, not to exceed \$10, for water tests through the State of Maine. These fees will go to establish a fund, the Well Safe Drinking Water Fund, and these will be used for education and outreach efforts that we're already paying \$150,000 for. So, I would urge you to vote against this. This is an extra tax. It is an extra fee. Thank you.

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 Belgrade, Representative Hilliard.

Representative **HILLIARD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, my district is in an arsenic hot spot area, which means more than half of the homes have a higher than acceptable arsenic level in the drinking water. There are several other hot spot areas in Maine and arsenic in the drinking water is a problem all across Maine.

As you know, bladder cancer, lung cancer, skin cancer, and learning disabilities are known effects associated with higher levels of arsenic in drinking water. What is concerning to me is that a lot of Maine people do not know that they have arsenic in their water. And they don't test their wells at all. In fact, the Maine CDC estimates that 45 percent of Maine residents with private wells are not testing their drinking water.

LD 1162 will support activities to raise awareness through outreach and education, informing Mainers about the importance of testing. It will also establish a Private Well Safe Drinking Water Fund and a standard recommended water test for the state testing laboratory which will include other contaminants like bacteria, uranium, and radon. Through education, LD 1162 will improve the number of people testing their wells in Maine. This does not impose any charges or taxes on Maine businesses. I believe 1162 will greatly improve drinking water quality for Maine people and I urge you to support this measure. Thank you, Mr. Speaker.

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

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, each one of us can probably find a serious problem with arsenic very close to home. In my town of Lincolnville, 26.7 percent of private drinking well waters are contaminated with arsenic levels that are above the National Safe Drinking Water threshold. That means one in four people in my community have unsafe levels of arsenic in their drinking water.

That's particularly scary because of what we know about arsenic: that it's odorless and tasteless, but it can trigger bladder, skin, and lung cancer as we've heard, as well as lowered IQ scores in children. What's really clear to me is that it's a big enough problem in Maine that everyone should be testing their water, but in midcoast Maine only 39 percent of residents with private well water are getting their water tested for arsenic and other common toxic contaminants.

Statewide, we're not doing much better. Only 45 percent of Maine people are testing their water. We need to do a lot more to ensure that everybody knows the risks and knows about the importance of testing their water. That's why I support LD 1162. This bill would provide the resources we need without burdening businesses or taking funds out of the state budget to get our testing rates up in Maine. The Maine CDC has already piloted outreach and education tactics that really work to get more people in the know about testing. Their project is funded by a federal grant that will run out someday.

What we need is to sustain this activity and continue working to promote statewide testing. This bill will also help people access better information about what to test their water for by creating a uniform recommendation for water testing. There's another bill that will be coming before this body that I'll address assistance for low-income families who need water treatment, and I'll support that initiative too, but people only go out and fix this problem when they know they have a problem. With arsenic in well water so prevalent in our state, we should have a testing rate of 100 percent—we're at 45. So, we've got work to do. Let's take this important first step and pass LD 1162. Thank you, Mr. Speaker.

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

Representative **SIROCKI**: Thank you, Mr. Speaker Pro Tem, I, too, live in the side of town where a lot of people have private wells and we are in a hot spot area. And I think LD 1162 is well intentioned, but I'm not convinced that it's going to be all that effective. From what I understand of the bill, there's a \$10 fee on all private drinking water well tests to fund this new effort, and if I'm incorrect please let me know, I read that on the amendment online, so that may not be correct; I'm not sure exactly what the fee is then.

But, regardless, I'm not sure that this is actually going to accomplish what is being desired. It seems like maybe more of a public service announcement type thing would be more effective in encouraging folks to have their wells tested. There's some documentation here from the Director of the Division of Environmental Health and she says that they have quite a large database of 45 thousand individual well water tests already in their data portal and this information, there's a lot of information available online through the State of Maine website. And I'm in opposition to this just because I'm not convinced that this is really the best way to try to do a public service announcement. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the concern I have for this bill is that I have a well and I've had it tested in the past, and I'll probably have it tested again in the near future. My problem is that I don't want to pay a \$10 fee in addition to the fee I have to pay the laboratory already to have the water tested. I also don't want them keeping a confidential list at the Department of Water Tests, mandated by the laboratory having to send them.

So, as we know, if you look back through the years, any time there's a list being generated, a list being collected, it's not long before that list is acted upon, so if I have bad water and the Department finds out, how soon is it going to be before they're knocking on my door asking me what remediation I've taken? Frankly, it's none of their business. So, Mr. Speaker, it's a well-intentioned bill. I really am uncomfortable with anyone or any place keeping a confidential list that would include my water quality. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker Pro Tem, I apologize for rising twice. Again, we are already putting \$150,000 in a federal grant toward education and awareness for water testing. Now, during the public hearing, I specifically asked some of these individuals, "Tell me what you're doing. What are we paying this \$150,000 for?" Other than a few pamphlets and maybe some people going door-to-door, they really couldn't account for all of this \$150,000. If that's what it took to do all this, then we're not spending our money wisely.

We need to be able to spread this word, get this message out, and I think we can do it to a lot more people and get this message to a lot more people for \$150,000 if we just do it a little bit smarter. Now, when you're putting up to \$10 a test on water tests for folks, up to \$10 on the test, how are some of these people going to be able to afford these tests? There's absolutely no trigger in here for low income to get these tests, and then if they find out they have water that does have high levels of arsenic, there's nothing in this bill, which it did originally, but there were concerns about that, on how to fund a remediation for them. This would be a different conversation if we were trying to really figure out how we were going to help people fix the water they're drinking from their private wells. It's not. It's an extra fee on the water test to pay for education and I don't believe we are

spending the \$150,000 a year we have wisely enough. I urge you to vote against this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Belgrade, Representative Hilliard.

Representative **HILLIARD**: I'd like to address the \$150,000 advertising issue. If you take \$150,000 and try to advertise across the State of Maine, it doesn't buy much advertising. Some of you know I'm in the Subway sandwich business. If we buy 350 gross rating points of advertising in one month, or one week, we may or may not move the sales needle statewide. But if we bump that level up just a little bit to, say 400 or 410 gross rating points, sometimes we can move that sales needle significantly. So, sometimes just a little bit more advertising buys a lot of results. Thank you, Mr. Speaker.

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

Representative **GATTINE**: Thank you, Mr. Speaker, just want to respond to a couple things I've heard during the debate on this issue. Currently, there is \$150,000 in grant funding for this type of education. That grant funding is scheduled to expire and the funding on this bill replaces about half of that.

We did hear during the public hearing from testing businesses, from scientists, from consumers, that this type of education has a real impact. That when people get this information about arsenic that they do go out and they do get their water tested and that they do take steps to keep people safe. This is a fee only placed upon people who go to the state lab, not the private laboratories, to get their water tested. The state lab fee is already much, much lower than the fee that the private laboratories charge. We thought that was a fair compromise and addressed the concerns that were raised in the committee by Maine businesses who were concerned about this.

My colleague, my friend from Chelsea, the Representative is correct. We did strip a lot out of the original bill in order to get the bipartisan support that brought this committee to the floor with, again, with very broad support. You know, I think that we'll be able to address those issues in the future with respect to remediation efforts, maybe even in some legislation that we will see later in the session. But, the key is to get people to recognize the need to test and that's what this bill is designed to do.

I think it is a very, very modest investment. It's something that is incredibly important and the funding that's there right now, we're going to lose it, and I think this is a good idea in order to replace it and to move forward with this. So, I would, again, continue to ask the chamber's support. Thank you, Mr. Speaker.

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

Representative **POULIOT**: Thank you, Mr. Speaker, I wasn't going to speak on this issue because the last time I gave a floor speech I got a blinding migraine headache and had to go to the ER, so hopefully that doesn't happen today, but I think it's worth getting up and speaking about. And many of you know I'm a realtor. I recommend to my clients on a weekly basis to have their water tested when they're doing the inspection on a property because we do have high levels of arsenic in this state, particularly in Kennebec County.

I'm not really one that's huge on charging people more fees for things, but I think in this case the majority of folks are getting their test through private inspectors anyway; they're not going to the state lab. And when I first heard about this bill, I was actually quite ambivalent about it. I really, actually, was more against it, but then when I realized it wouldn't be a mandate to have the testing done, that it was more about a fee increase on this to

provide for education to people, I think it's something that we ought to support.

It is a serious problem in this state. There's been significant studies done by Columbia University right here in Kennebec County about the negative impact that this has had on children's IQ from, you know, drinking this bad water, and I think that we owe it to ourselves to invest a little bit more resources in educating people about the dangers of arsenic. And hopefully, it will encourage them to, on their own, have their water tested. So, anyway, just wanted to say a little bit about arsenic and the importance of having water tested. Hopefully, anyone in here who's got a well has had their water tested. If you hadn't I would encourage you to do it. But I think that this is well worth our investment and we ought to support it. Thank you.

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

ROLL CALL NO. 202

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce J, Pierce T, Pouliot, Powers, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Stanley, Starns, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Ginzler, Guerin, Hanley, Hawke, Head, Herrick, Lockman, Long, Lyford, Maker, McClellan, Nutting, O'Connor, Parry, Picchiotti, Pickett, Prescott, Sanderson, Sherman, Sirocki, Skolfeld, Stetkis, Timberlake, Timmons, Turner, Wallace, White, Winsor.

ABSENT - Campbell J, Marean, McLean.

Yes, 108; No, 40; Absent, 3; Excused, 0.

108 having voted in the affirmative and 40 voted in the negative, with 3 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-333) 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-333)** and sent for concurrence.

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

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

(H.P. 70) (L.D. 87)
(S. "A" S-173 to C. "A" H-77)

TABLED - June 9, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **FINAL PASSAGE.** (Roll Call Ordered)

The SPEAKER PRO TEM: A roll call having been previously ordered, the pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

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

ROLL CALL NO. 203

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

NAY - Edgcomb, Lockman, Long, White.

ABSENT - Grohman, Hanington, Malaby, Marean, McLean, Wadsworth.

Yes, 141; No, 4; Absent, 6; Excused, 0.

141 having voted in the affirmative and 4 voted in the negative, with 6 being absent, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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

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

TABLED - June 9, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

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

Representative **MORRISON**: Thank you, Mr. Speaker and good afternoon Ladies and Gentlemen of the House, I stand

before you in strong support of LD 231. LD 231 seeks to do three things.

First, define the definition of dyslexia and place it into statute, where it doesn't exist right now. And I quote, dyslexia: "Means a specific learning disability that is neurological in origin, characterized by difficulties in accurate and fluent word recognition, by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and provides effective classroom instruction; secondary consequences, which may include problems with reading comprehension, reduced reading experiences that impede the growth and vocabulary in background language." That's a very important piece because dyslexia's such an individual learning disability and it was never defined in statute so this is a very important piece to be put into statute now.

Secondly, it asks the school administrative units to screen students from kindergarten to grade 3 for dyslexia who have exhibited difficulties in phonological awareness, sound and symbol recognition, alphabet knowledge, rapid naming skills, decoding and encoding skills. The goal of the screening is to properly diagnose dyslexia and educate students with the tools and training need to read, learn, and succeed. All too often, students are being misdiagnosed as having special needs and placed into special education classes, thus not getting the special education they need. The specific section off of this and the reason why we are asking for a specific diagnosis here is because students with dyslexia learn differently and need the specific tools in order to learn differently than other special needs students.

Third, and most importantly, creates a Dyslexia Coordinator within the Department of Education and would serve as a primary source of information for school administrative units and address the needs of students, teachers and administrators to provide special awareness training.

I brought this bill forward after hearing concerns from parents of dyslexic children that face difficulties and frustration with their children not receiving their proper tools and education needed to succeed like other children. After hearing what the parents have gone through in the stories too numerous to mention here on the floor, I felt compelled to try to help. This being a mandate, one of the challenges in passing a mandate is cost. With this particular bill, I have a letter from the Commissioner of Education explaining that the part of the Dyslexia Coordinator will be absorbed within existing resources by using a vacant position, so I've tried my best to have this, to make sure that the mandate portion of this was paid for through existing resources so it would be an easier pill for us to swallow up here, because we always know that costs always dictate how we vote here on the floor when it comes to mandates. So I wanted to make sure that I got ahead of that as well. And I think we have done a pretty good job.

Lastly, I'd like to thank the Education Committee for their hard work. Not only was this a unanimous report, but I had the blessings of them all along to work on a Resolution to get this to where it is today. So, I want to thank the Education Committee. I'd like to thank the Department of Education for their strong support and willingness to take this on and they are in strong support and are willing to initiate this if we pass this. I'd also like to thank the Chief Executive for his willingness to support this. From the very beginning, I knew that the Chief Executive was in strong support of this, was upset that this didn't get done before, and was willing to work with us through this process and has done so. So, I'd like to thank everyone for their support. And today, this isn't a partisan issue for me. This is about dyslexic

children and all of us can unite and help the children in need. 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 of the House, I rise in support of the pending motion and as the Representative from South Portland had mentioned, both he and I had worked with families whose children had the dyslexia situation. And just to remind everyone that on June 4th, we did have a Joint Resolution that was passed in the House, and then on the 5th by the other body, and I have copies of that Joint Resolutions to promote awareness of dyslexia. So, that has gone through both House and the other body with unanimous support. Thank you, Mr. Speaker.

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

ROLL CALL NO. 204

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, 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, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, 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, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Hanley, Long.

ABSENT - McLean, Saucier, Sherman, Wadsworth, Mr. Speaker.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate. **ORDERED SENT FORTHWITH.**

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

TABLED - June 9, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

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

ROLL CALL NO. 205

YEA - Alley, Babbidge, Bates, Beck, Beebe-Center, Bickford, Black, Brooks, Bryant, Buckland, Campbell J, Chapman, Chenette, Chipman, Cooper, Crafts, Daughtry, Davitt, DeChant,

Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Golden, Goode, Guerin, Hamann, Harlow, Herbig, Hickman, Higgins, Hobart, Hobbins, Hogan, Jorgensen, Kinney J, Kruger, Kumiega, Lajoie, Longstaff, Marean, Martin J, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Shaw, Short, Sirocki, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Warren, Welsh, White.

NAY - Austin, Battle, Blume, Campbell R, Chace, Corey, Edgcomb, Farrin, Frey, Gillway, Ginzler, Grant, Greenwood, Grohman, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hubbell, Hymanson, Kinney M, Kornfield, Lockman, Long, Luchini, Lyford, Maker, Malaby, Mastraccio, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Schneck, Seavey, Stearns, Stetkis, Timmons, Turner, Ward, Winsor, Wood.

ABSENT - Beavers, Burstein, Dion, Martin R, McLean, Nutting, Sherman, Wallace, Mr. Speaker.

Yes, 94; No, 48; Absent, 9; Excused, 0.

94 having voted in the affirmative and 48 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-221)** on Bill "An Act To Make College More Affordable for Maine Residents" (S.P. 220) (L.D. 627)

Signed:
Senator:
MILLETT of Cumberland

Representatives:
KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
PIERCE of Falmouth
TIPPING-SPITZ of Orono

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

Signed:
Senators:
LANGLEY of Hancock
EDGEComb of Aroostook

Representatives:
MAKER of Calais
POULIOT of Augusta
STEARNS of Guilford

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

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

On motion of Representative ESPLING of New Gloucester, **TABLED** pending the motion of Representative KORNFIELD of Bangor to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-382)** on Bill "An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs" (H.P. 658) (L.D. 955)

Signed:
Senators:

BURNS of Washington
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GUERIN of Glenburn
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

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

Signed:

Representative:

GINZLER of Bridgton

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-382)** 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-382)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses" (H.P. 709) (L.D. 1026)

Signed:
Senators:

BURNS of Washington
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland

SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Representative:

GUERIN of Glenburn

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Establish Training Standards for Persons Investigating Domestic Abuse Complaints" (H.P. 981) (L.D. 1437)

Signed:

Senators:

BURNS of Washington
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland

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

Signed:

Representatives:

LONG of Sherman
WARREN of Hallowell

READ.

On motion of Representative FOWLE of Vassalboro, 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. 339) (L.D. 500) Bill "An Act To Support Municipal Volunteers" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-376)**

(H.P. 705) (L.D. 1022) Bill "An Act To Protect the Future of Harness Racing" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

(H.P. 753) (L.D. 1092) Bill "An Act To Prevent Abusive Debt Collection Practices" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-378)**

(H.P. 836) (L.D. 1218) Bill "An Act Regarding the Administration of Vaccines by Pharmacists" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-379)**

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 Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-380)** on Resolve, To Study Understaffing in State Agencies

(H.P. 763) (L.D. 1103)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship

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

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

READ.

Representative MARTIN of Sinclair 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 same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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. 206

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

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

ABSENT - Bickford, Chapman, DeChant, Hamann, Hobbins, Hogan, Martin J, Monaghan, Mr. Speaker.

Yes, 76; No, 66; Absent, 9; Excused, 0.

76 having voted in the affirmative and 66 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-380)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-380)** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (7) Ought to Pass as Amended by Committee Amendment "A" (S-221) - Minority (5) Ought Not to Pass - Committee on EDUCATION AND CULTURAL AFFAIRS on Bill "An Act To Make College More Affordable for Maine Residents"

(S.P. 220) (L.D. 627)

Which was **TABLED** by Representative ESPLING of New Gloucester pending the motion of Representative KORNFIELD of Bangor to **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 Calais, Representative Maker.

Representative **MAKER**: Mr. Speaker, Ladies and Gentlemen of the House, this bill is unnecessary. FAME already has a tier system allowed under their jurisdiction. I believe and our committee believes that we don't need to interfere with another agency. They already can do that.

And the other part of it is, in the tiered system, it's going to be less students being able to get money because the more money

we give them, it's going to be less for everyone else. And Finance Authority of Maine has a way of calculating all this and to determine ahead of time, before they know the number of students they have to give, how much money they can give. To tier it without that knowledge, I think is a mistake. And they're very good at doing it. When they have the money, they will give more money, and they said they would be willing to do tiered. I don't think we need to do this bill. 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 support of the pending motion. This bill comes to us from one of the suggestions from the Maine Commission on College Affordability and College Completion. One of the ideas that actually came from the good Representative from Augusta was about the idea of tiering our grants in order to encourage folks to complete college. How you can mirror affordability and completion. And this bill is one of those ideas.

Tiering means that starting in the first year, you get a certain amount, second year you get more. We reward you for being able to stick with your academic plan. One thing I do want to point out: we did amend this bill, saying that, you know, if funds are available, this will take place. So, this wouldn't occur until FAME has the necessary funds to be able to do tiers of the amount that were suggested. The first suggested tier is \$2.5 thousand dollars.

One of the things we did during the commission was to take information that we had about the average cost of college in Maine, whether it was a community college or whether it was a four-year public or private, and then we did a graph and we calculated what you can get for federal financial aid, state-based financial aid, merit aid, work study, and various things to see how you could afford a college education. And we graphed it for different income levels. So, for a family making \$20 thousand, \$30 thousand, \$40 thousand, \$60 thousand, \$110 thousand, and what we found is that including everything, all the possible resources, most students in Maine had an unmet gap of about \$4.5 thousand dollars if they were going to go to college. That's a lot of money. Keep in mind, this is after working full-time, taking advantage of all federal and state programs. That's still \$4 thousand dollars or \$4.5 thousand that you're going to have to come up with somewhere.

So, it's clear that the state isn't keeping up with the needs of Maine students. You know, if we want to have a highly trained 21st century workforce, we need our students to be educated. I urge you to follow my light on this. I think this is a crucial bill and we need to be doing all we can to help students. Thank you.

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

ROLL CALL NO. 207

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, 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, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short,

Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh.

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

ABSENT - Bickford, DeChant, Grohman, Hogan, Malaby, Monaghan, Mr. Speaker.

Yes, 80; No, 64; Absent, 7; Excused, 0.

80 having voted in the affirmative and 64 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-221)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-221)** in **NON-CONCURRENCE** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 639) (L.D. 920) Bill "An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-383)**

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

There being no objection, the House Paper was **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.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Improve Educational Assessments of Maine Students" (EMERGENCY)

(H.P. 872) (L.D. 1276)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280) in the House on June 3, 2015.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280) AND SENATE AMENDMENT "A" (S-219)** in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Treasurer of State (H.P. 966) (L.D. 1419)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

GREENWOOD of Wales

TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-366)** on same RESOLUTION.

Signed:

Senators:

WHITTEMORE of Somerset

WILLETTE of Aroostook

Representatives:

PICKETT of Dixfield

TURNER of Burlington

READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GIDEON of Freeport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 208

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

NAY - Austin, Buckland, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Gerrish, Ginzler, Greenwood, Hanington, Hanley, Hawke, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, McClellan, McElwee,

O'Connor, Parry, Pierce J, Prescott, Sanderson, Sawicki, Sherman, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Bickford, DeChant, Fredette, Monaghan, Reed, Wood, Mr. Speaker.

Yes, 99; No, 45; Absent, 7; Excused, 0.

99 having voted in the affirmative and 45 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

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

(C. "A" S-129)

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

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 apologize, the Representative from Ellsworth was distracting me. I wasn't aware of what was going on. I rise to oppose the pending motion before us. I just wanted to give folks a little bit of history around the initiative and referendum process. We've often had different debates on the initiative and referendum process in my time here.

Just to remind folks that the initiative and referendum process was created in 1908. It's something that has existed for a very long time for lots of different reasons. People of all different political persuasions have used the initiative and referendum process. It exists to make sure that when we're not in line with where people are at, and when the public and this body or the other body are not really on the same page, that there's a check and a balance to make sure that we're not drifting too far from people.

The bill before us makes it so you have to collect a certain number of signatures in each congressional district before you would go to initiative and referendum. In the debate that we had on this yesterday, I was very confused as to whether that's 10 percent of your signatures having to come from each congressional district, or whether it's 10 percent of the people who voted in the last gubernatorial race within that congressional district having to sign the sheet. I think that's an answer that we should all have before we vote on this. It seemed very unclear to me what the threshold would be.

I know that there have been a lot of recent initiative and referendum votes that people have liked or have not liked. I don't think that the outcome or the dynamics around the most recent referendum should give anybody a reason to vote one way or another.

Mr. Speaker, I also rise because I know that there are some people that voted for this because they care about the Second Congressional District, or rural Maine, or recent outcomes of different referendums. I stand before you as somebody who represents Bangor, who's lived in the Second Congressional District my entire life. I was born in Calais. I've lived in Hodgdon, I've lives in Monticello, I've lived in Bangor, I've lived in Orono. I've also been involved in initiative and referendum ballot campaigns. I would say to you that you go collect signatures where there are people and that this bill would not change that one way or another.

I also would just like to remind folks that the results of ballot referendums tend to favor groups that have a statewide presence. I'm not sure that you win a statewide referendum if you don't have a presence in both congressional districts, and that makes me seem very reluctant that we should pass a Constitutional Resolution to change this process right now.

And I think that I've been in this body for seven years, I've had things that I cared about that caused me to want to run for the Legislature and there are certain dynamics with the public and where people are at that you can't control when you're in the House. And I'm totally comfortable with the fact that I can't control every aspect of the initiative and referendum process. I can't control what we vote on. I trust that people can collect their signatures. As somebody from the Second CD, who was born in rural Maine, I don't have a problem with the current process. I think that everybody knows that if they want to win a referendum, they have to go to both the Second Congressional District and the First Congressional District. I hope that people take this vote very seriously. I'll be voting against the pending motion. Thank you, Mr. Speaker.

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 rise to make a couple of observations. One, it strikes me with some concern that this body has undertaken a number of constitutional questions. And I just want us to pause in our consideration of this initiative and others and remind ourselves what the purpose of a constitution is, for all of us.

A constitution is a basic charter of government. It is an outline about how the pieces of government apparatus will engage each other and govern. It should be taken very seriously, when we undertake a question, as to whether or not that structure should be modified. In plain English, to my mind, a constitutional question is designed to answer a condition that is persistent and presents a troubling consequence for our ability to govern this state.

What I've seen instead, is the application of initiatives to create constitutional corrections to deal with statutory or political questions of the day. And I caution against that. A constitution, to survive, must be unassailable except under the most severe questions, the most solemn of questions. And the fact that on one day we consider for fish and wildlife issues, another day to deal with an initiative as a footnote for a question that was successfully answered by the proponents. I mean, those are questions of the day and constitutions should be immune from questions of the day, and be reserved for questions that affect us and those who follow us. So, I will be voting against this proposal because I don't think we've met that test. I've not hear the evidence that would suggest that we should modify the basic charter for the State of Maine. Thank you.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

An Act To Improve the Process for Obtaining an Adjustment in State Valuation Due to Sudden and Severe Reduction in Municipal Valuation

(H.P. 374) (L.D. 550)
(C. "A" H-323)

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. 139 voted in favor of the same and

0 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 Allow Certain Wine and Hard Cider Manufacturing Partnerships

(H.P. 429) (L.D. 616)
(S. "A" S-195 to C. "A" H-265)

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. 136 voted in favor of the same and 3 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 Restore Revenue Sharing

(H.P. 677) (L.D. 980)
(C. "A" H-321)

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

On motion of Representative TEPLER of Topsham, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act Regarding Payment under the Business Equipment Tax Reimbursement Program

(H.P. 197) (L.D. 279)
(C. "A" H-322)

An Act To Restrict the Sale of Dogs and Cats in Pet Shops

(H.P. 229) (L.D. 335)
(C. "A" H-275)

An Act To Allow Children's Residential Care Facilities To Ensure the Safety of Their Residents

(H.P. 309) (L.D. 470)
(C. "A" H-329)

An Act Regarding Patient Information Under the Maine Medical Use of Marijuana Act

(H.P. 384) (L.D. 560)
(C. "A" H-330)

An Act To Promote Small Diversified Farms and Small Food Producers

(H.P. 644) (L.D. 925)
(C. "A" H-335)

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

(H.P. 680) (L.D. 985)
(S. "A" S-207 to C. "A" H-157)

An Act To Further Define Duties for Persons Who Hold Powers of Attorney or Act as Agents for Residents of Long-term Care Facilities

(H.P. 718) (L.D. 1049)
(C. "A" H-319)

An Act To Support Housing for Homeless Veterans

(H.P. 731) (L.D. 1062)
(C. "A" H-312)

An Act Concerning Swim Area Permits

(H.P. 843) (L.D. 1225)
(C. "A" H-307)

An Act To Establish a Magnet School for Marine Science, Technology, Transportation and Engineering
(H.P. 873) (L.D. 1277)
(C. "A" H-314)

An Act To Encourage the Redevelopment of Upper Floors of Buildings in Downtowns and on Main Streets
(H.P. 930) (L.D. 1372)
(C. "A" H-311)

An Act To Fund a Training Partnership between Riverview Psychiatric Center and the University of Maine at Augusta
(H.P. 959) (L.D. 1412)
(C. "A" H-332)

An Act To Amend the Laws Relating to Corporations and Limited Partnerships
(H.P. 971) (L.D. 1425)

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.

An Act To Permit Medical Marijuana Cultivation by Incapacitated Adults
(H.P. 505) (L.D. 752)
(C. "A" H-331)

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

On motion of Representative CAMPBELL of Newfield, was **SET ASIDE**.

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 would like to have a roll call on this vote and I object to follow my light. Thank you.

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

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

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

ROLL CALL NO. 209

YEA - Alley, Austin, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Buckland, Burstein, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Hawke, Head, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Moonen, Morrison, Noon, O'Connor, Parry, Peterson, Pierce J, Pierce T, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Warren, Welsh, Wood.

NAY - Babbidge, Black, Campbell J, Campbell R, Crafts, Dillingham, Edgecomb, Foley, Gerrish, Guerin, Hanley, Herrick, Higgins, Hilliard, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, Nadeau, Nutting, Picchiotti, Pickett, Pouliot, Reed, Sherman, Skolfield, Theriault, Timberlake, Timmons, Tuell, Wallace, Ward, White, Winsor.

ABSENT - Bickford, DeChant, Fredette, Kornfield, Monaghan, Mr. Speaker.

Yes, 108; No, 37; Absent, 6; Excused, 0.

108 having voted in the affirmative and 37 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine
(H.P. 732) (L.D. 1063)
(C. "A" H-336)

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

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

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

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

ENACTORS

Acts

An Act To Expand Public Opportunities for Wildlife Management Education

(H.P. 633) (L.D. 913)

(C. "A" H-339)

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

On motion of Representative CHAPMAN of Brooksville, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-339)**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-339)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-384) to Committee Amendment "A" (H-339)**, which was **READ** by the Clerk.

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, first, I apologize for the late introduction of this, requiring us to back up to it. It was not my intent. As you know, things are going by fairly quickly here, and I had hoped to do this prior to this stage of where we are, which is why we had to back up.

The amendment before you addresses an issue involving corrupting influences, or the appearance of corruption, on the part of governmental employees. LD 913 provides a fee on hunting and trapping licenses to pay for wildlife management education, which I strongly support. However, I don't believe that such funds should be available for influencing elections. The House Amendment before you prohibits the use of these funds for the direct involvement of the department in any election.

To put this in context, you may know that government employees were used to influence the 1938 congressional campaigns and that was the impetus for passage of the federal Hatch Act in 1939, which regulates federal employees' engagement in electoral activities. At the state level, it is not

permissible for state employees to participate in candidate elections while they are on the job. Currently, state employees may participate in non-candidate elections during work hours, a situation, I believe, could contribute to corruption in government.

While the amendment before you does not fix the entire problem, it keeps this program, this educational program, free from corrupting influences. So, that's the purpose of my introducing this amendment and I would ask you to support it. 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, this is a unanimous committee report we worked. It's my bill. Just as the legislative process is reliant on input from the Executive Branch to shape policy, citizens, when considering legislation at the polling place, have a right to that same information. With that, I hope you follow my light and oppose the current motion. Thank you very much.

Representative **ESPLING** of New Gloucester **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-384) to Committee Amendment "A" (H-339)**.

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 Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker, is there a way that we can get ahold of this amendment to read it?

The SPEAKER PRO TEM: The Chair will respond that we will provide the Member a copy. It is also online and it was distributed to those Members that receive paper copies. We can stand at ease for a moment while some are distributed. If folks would like a copy of this amendment they can raise their hand and we will try to get one to you.

The Chair recognizes the Representative from Portland, Representative Russell.

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

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

Representative **RUSSELL**: Thank you. It's a little complicated, but, so this revenue goes to support the department. My assumption is that some of that revenue supports salaries of the folks that are actually being the employees. So, if they are salaried employees, as opposed to hourly employees, is it possible that it would prevent folks from being able to exercise their First Amendment rights outside of the office space, given the odd work environment that they have and the odd schedule. How would you define a work schedule versus a non-work schedule, because it's my understanding that they have odd work schedules by the nature of the job. So, I'd be very curious to hear if this accidentally covers people's, because it's a salaried environment, at all times or if there's a dedicated schedule and how we would enforce that.

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

Representative **SHAW**: Thank you very much, Mr. Speaker, the revenues generated by the bill are dedicated to an account which can only be used for educational purposes and not for salaries.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-384) to Committee Amendment "A" (H-339). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 210

YEA - Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Burstein, Chapman, Chipman, Cooper, Davitt, Devin, Grant, Grohman, Hamann, Harlow, Hickman, Hogan, Kumiega, Mastraccio, McCreight, Melaragno, Moonen, Rotundo, Russell, Rykerson, Sanborn, Sherman, Stuckey, Tepler.

NAY - Alley, Austin, Battle, Beck, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Chenette, Corey, Crafts, Daughtry, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kruger, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, McLean, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

ABSENT - Bickford, DeChant, Fredette, Kornfield, Monaghan, Mr. Speaker.

Yes, 30; No, 115; Absent, 6; Excused, 0.

30 having voted in the affirmative and 115 voted in the negative, with 6 being absent, and accordingly **House Amendment "A" (H-384) to Committee Amendment "A" (H-339) was NOT ADOPTED.**

Subsequently, **Committee Amendment "A" (H-339) was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-339).**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Amend the Fees for Snowmobile Registrations and To Create the Snowmobile Trail Fund Donation Sticker

(H.P. 492) (L.D. 716)

(C. "A" H-338)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 9 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 Promote Professional Training and Security in Maine Courts

(H.P. 819) (L.D. 1186)

(C. "A" H-358)

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. 129 voted in favor of the same and

0 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 Revise the Charter of the Kennebunk Sewer District

(H.P. 841) (L.D. 1223)
(C. "A" H-341)

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. 126 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Mandate

An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse

(H.P. 813) (L.D. 1180)
(C. "A" H-353)

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

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Amend the Laws Governing the Unlawful Cutting of Trees

(H.P. 451) (L.D. 670)
(C. "A" H-355)

An Act Regarding the Taxation of Kombucha

(S.P. 293) (L.D. 819)
(C. "A" S-213)

An Act To Eliminate the Dual Licensing of Physician Assistants

(H.P. 564) (L.D. 830)
(C. "A" H-362)

An Act To Expedite Final Hearings in Certain Foreclosure Cases

(H.P. 580) (L.D. 846)
(C. "A" H-356)

An Act Regarding the Licensure of Funeral Service Providers

(H.P. 655) (L.D. 952)
(C. "A" H-351)

An Act Relating to Marijuana Testing Facilities

(H.P. 728) (L.D. 1059)
(C. "A" H-345)

An Act To Implement the Recommendations of the Right to Know Advisory Committee To Create a Remedy for Unduly Burdensome and Oppressive Requests

(H.P. 747) (L.D. 1086)
(C. "A" H-357)

An Act To Implement the Recommendations of the Right to Know Advisory Committee Concerning Response Deadlines and Appeals

(H.P. 748) (L.D. 1087)
(C. "A" H-360)

An Act To Implement Recommendations of the Right to Know Advisory Committee

(H.P. 749) (L.D. 1088)
(C. "A" H-359)

An Act Regarding the Taxation of Out-of-state Pensions

(H.P. 780) (L.D. 1142)
(C. "A" H-340)

An Act Regarding the Filing of Death and Marriage Records

(S.P. 442) (L.D. 1237)
(C. "A" S-205)

An Act To Enhance Efficiency in the Collection of Child Support Obligations

(H.P. 905) (L.D. 1330)
(C. "A" H-361)

An Act Regarding the Maine Registry of Certified Nursing Assistants and Direct Care Workers

(H.P. 972) (L.D. 1426)
(C. "A" H-342)

An Act To Establish the Public Higher Education Systems Coordinating Committee

(S.P. 543) (L.D. 1441)

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.

An Act To Provide for the Establishment of Benefit Corporations

(H.P. 792) (L.D. 1154)
(C. "A" H-363)

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.

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

ROLL CALL NO. 211

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Hanington, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobbins, Hogan, Hubbell, Hymanson, Kinney J, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Moonen, Morrison, Nadeau, Noon, Nutting, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor.

NAY - Austin, Crafts, Dunphy L, Farrin, Greenwood, Hanley, Hobart, Kinney M, Long, Lyford, Malaby, McClellan, O'Connor, Pickett, Pierce J, Sanderson, Stetkis, Theriault, Timberlake, Timmons, Turner, Wallace, Wood.

ABSENT - Bickford, DeChant, Jorgensen, Kornfield, Monaghan, Mr. Speaker.

Yes, 122; No, 23; Absent, 6; Excused, 0.

122 having voted in the affirmative and 23 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

Resolve, To Strengthen Standards-based Diplomas
(S.P. 440) (L.D. 1235)
(C. "A" S-206)

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 **FINAL PASSAGE**.

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

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-235)** on Resolve, Directing the Department of Health and Human Services To Adjust Reimbursement Rates for Dental Services under the MaineCare Program

(S.P. 304) (L.D. 860)

Signed:

Senators:

BRAKEY of Androscoggin
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

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

Signed:

Representatives:

HEAD of Bethel
SANDERSON of Chelsea
VACHON of Scarborough

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-235).

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-235)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-235)** in concurrence.

Ought to Pass as Amended

Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend Environmental Permitting Standards"

(S.P. 449) (L.D. 1244)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-156)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-156) AS AMENDED BY SENATE AMENDMENT "A" (S-227)** thereto.

Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-156)** was **READ** by the Clerk.

Senate Amendment "A" (S-227) to Committee Amendment "A" (S-156) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-156) as Amended by Senate Amendment "A" (S-227) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-156) as Amended by Senate Amendment "A" (S-227)** thereto in concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Require Lienholders To Remove Liens Once Satisfied"

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

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** **READ** and **ACCEPTED** in the House on May 27, 2015.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-136) AS AMENDED BY SENATE AMENDMENT "A" (S-242)** thereto in **NON-CONCURRENCE**.

On motion of Representative BECK of Waterville, the House voted to **RECEDE AND CONCUR**.

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

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor and Thomaston

(S.P. 262) (L.D. 732)

(C. "A" S-186)

Which was **TABLED** by Representative GIDEON of Freeport pending **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-89)** on Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

(S.P. 152) (L.D. 384)

Signed:

Senators:

WHITTEMORE of Somerset

BAKER of Sagadahoc

GRATWICK of Penobscot

Representatives:

BECK of Waterville

BROOKS of Lewiston

COOPER of Yarmouth

MELARAGNO of Auburn

MORRISON of South Portland

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

TUCKER of Brunswick

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

Signed:

Representatives:

FOLEY of Wells

WALLACE of Dexter

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89)**.

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-89)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-89)** in 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 **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine Consumers from Medical Identity Theft" (EMERGENCY)

(S.P. 447) (L.D. 1242)

Signed:

Senators:

WHITTEMORE of Somerset

BAKER of Sagadahoc

Representatives:

FOLEY of Wells

MORRISON of South Portland

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

TUCKER of Brunswick

WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-88)** on same Bill.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

BECK of Waterville

BROOKS of Lewiston

COOPER of Yarmouth

MELARAGNO of Auburn

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

READ.

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

Ought to Pass as Amended

Report of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify Wine Auction Licenses"

(S.P. 345) (L.D. 983)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-226)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-226) AS AMENDED BY SENATE AMENDMENT "A" (S-238)** thereto.

Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-226)** was **READ** by the Clerk.

Senate Amendment "A" (S-238) to Committee Amendment "A" (S-226) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-226) as Amended by Senate Amendment "A" (S-238) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-226) as Amended by Senate Amendment "A" (S-238)** thereto in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 79) (L.D. 210) Bill "An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-240)**

(S.P. 526) (L.D. 1411) Bill "An Act To Amend the Tax Laws" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-241)**

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

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

SENATE PAPERS

Non-Concurrent Matter

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)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)** in the House on June 9, 2015.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative McCABE of Skowhegan moved that the House **INSIST**.

Representative ESPLING of New Gloucester moved that the Bill be **TABLED** until later in today's session pending the motion of Representative McCABE of Skowhegan to **INSIST**.

Subsequently, the same Representative **WITHDREW** her motion to **TABLE** until later in today's session pending the motion of Representative McCABE of Skowhegan to **INSIST**.

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

CONSENT CALENDAR

First Day

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

(S.P. 471) (L.D. 1306) Bill "An Act To Affirm the Obligation To Support One's Children" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-245)**

(S.P. 493) (L.D. 1360) Bill "An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-243)**

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

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens"

(S.P. 124) (L.D. 309)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on June 10, 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 **JUDICIARY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-124)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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 South Berwick, Representative Beavers, who wishes to address the House on the record.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I want to thank Nik for giving me a new button, which actually works. Apparently when I pushed it, it didn't record before lunch, so I now have to say, in reference to Roll Call No. 205 on LD 695, had it worked, I would've voted "yea."

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

On motion of Speaker EVES of North Berwick, the House adjourned at 4:49 p.m., until 10:00 a.m., Thursday, June 11, 2015.