

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 6, 2016

beginning at page H-1188

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
16th Legislative Day
Thursday, February 25, 2016

Representative GOODE of Bangor assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Reverend Mary Beard, First Parish Church, UCC, Brunswick.
National Anthem by Delilah Poupore, Saco.
Pledge of Allegiance.
Doctor of the day, Richard M. Flowerdew, M.D., Falmouth.
The Journal of Tuesday, February 23, 2016 was read and approved.

SENATE PAPERS

Bill "An Act To Protect Shellfish Conservation Areas"
(S.P. 606) (L.D. 1550)
Committee on **MARINE RESOURCES** suggested and ordered printed.
Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.
Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 458)
STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT
February 23, 2016
Honorable Michael D. Thibodeau
President of the Senate
Honorable Mark W. Eves
Speaker of the House
State House
Augusta, Maine 04333
Dear President Thibodeau and Speaker Eves:
Please accept this letter as the report of the findings of the Joint Standing Committee on Labor, Commerce, Research and Economic Development from its review and evaluation of the Department of Labor under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.
The committee finds that the Department of Labor is operating effectively and efficiently within its statutory authority.
Sincerely,
S/Senator Amy F. Volk
Senate Chair
S/Representative Erin D. Herbig
House Chair
READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 762)
MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY
February 23, 2016
Honorable Mark W. Eves
Speaker of the House
2 State House Station

Augusta, Maine 04333
Dear Speaker Eves:
In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nominations:
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Heron Weston of Eastport for appointment to the Washington County Development Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Marianne Moore of Calais for reappointment to the Washington County Development Authority.
Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Christine M. Phillips of Calais for reappointment to the Washington County Development Authority.
Upon the recommendation of the Committee on Judiciary, the nomination of Honorable Leigh I. Saufley of Portland for reappointment as the Chief Justice of the Maine Supreme Judicial Court.
Best Regards,
S/Heather J.R. Priest
Secretary of the Senate
READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Designate the Maine Lobster as the State Crustacean"
(H.P. 1097) (L.D. 1609)
Sponsored by Representative LYFORD of Eddington.
(GOVERNOR'S BILL)
Cosponsored by Senator DAVIS of Piscataquis and Representatives: CAMPBELL of Orrington, CRAFTS of Lisbon, MAKER of Calais, MALABY of Hancock, REED of Carmel, STEARNS of Guilford, VEROW of Brewer, Senator: ROSEN of Hancock.
Committee on **STATE AND LOCAL GOVERNMENT** suggested.
On motion of Representative ESPLING of New Gloucester, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Allow the Placement of Road Signs Advertising Events That Benefit Certain Organizations and Allow Free Admission to Military Personnel" (EMERGENCY)
(H.P. 1096) (L.D. 1608)
Sponsored by Representative CAMPBELL of Orrington.
Cosponsored by Senator BURNS of Washington and Representatives: ALLEY of Beals, MAKER of Calais, TUELL of East Machias, Senator: KATZ of Kennebec.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.
Committee on **TRANSPORTATION** suggested and ordered printed.
REFERRED to the Committee on **TRANSPORTATION** and ordered printed.
Sent for concurrence.

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 40)

ORDERED, that Representative Craig V. Hickman of Winthrop be excused February 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Norman E. Higgins of Dover-Foxcroft be excused February 16 and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lawrence E. Lockman of Amherst be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jeffrey K. Pierce of Dresden be excused February 18 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Christine B. Powers of Naples be excused February 16 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gary E. Sukeforth of Appleton be excused February 9, 11, 16 and 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Beth P. Turner of Burlington be excused February 11, 16 and 18 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Knox Museum, in Thomaston, which has been selected by Vietnam Combat Veterans, Ltd., to host *The Moving Wall* for 5 days over the 2016 Memorial Day weekend. *The Moving Wall* is a half-size replica of the Vietnam Veterans Memorial in Washington, D.C. and stands 252 feet long and 6 feet tall, displaying the names of 58,228 Americans who lost their lives in Vietnam, including 343 names of people from Maine. The wall will be exhibited at Montpelier, the former home of General Henry Knox, Revolutionary War hero. We join the citizens of Thomaston during this occasion of somber reflection for those who made the ultimate sacrifice for their State and Nation;

(HLS 1035)

Presented by Representative KRUGER of Thomaston. Cosponsored by Senator MIRAMANT of Knox, Representative DEVIN of Newcastle.

On **OBJECTION** of Representative KRUGER of Thomaston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **KRUGER**: Thank you, Mr. Speaker Pro Tem, in 1968 I was 18 and a freshman in college in southern Maine. The Vietnam War was raging and the draft system converted to a lottery. So many of us were in fear of dying in the jungles of Southeast Asia for reasons that, then or now, some have a hard time grasping. I was very lucky. A lifetime lucky. I got a high lottery number and that guaranteed my continuing comfortable life.

But many friends of all of us were not so lucky. They were called and they went to serve their country. Some never came back. Some of you have visited the Vietnam Veterans Memorial in Washington, DC, and those of you who have, I'm sure, can tell anyone who has not that this is a very moving experience. We have an opportunity for friends and family who can't get to

Washington, DC, to come to Thomaston over Memorial Day weekend and visit a replica of the wall, which will be set up at the General Knox Museum—some of you know it as Montpelier—right there at the corner of 131 and Route 1 in Thomaston. And we would welcome your visit. Bring your family and friends and I want to thank the organizers who are here today along with a group of Vietnam era veterans who have come as well. Thank you all.

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

Recognizing:

Ashlynn Hunter Foss, of Dresden, a junior at Hall-Dale High School, who has achieved a Grand Slam in hunting, having bagged a bear, a turkey, a deer and a moose in the same year. We extend our congratulations to Ashlynn on her remarkable achievement and offer her our best wishes for future success;

(HLS 1036)

Presented by Representative PIERCE of Dresden.

Cosponsored by Senator BAKER of Sagadahoc.

On **OBJECTION** of Representative PIERCE of Dresden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I would like to extend my congratulations to Ashlynn Foss. She comes from a tradition of a great hunting family. Again, she bagged a moose, a deer, a bear, and a turkey this year. For a 16 year old, that's fabulous and I hope she continues her fine hunting tradition. Thank you.

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

In Memory of:

Margaret (Connolly) Lee Giles, of Portland, a longtime active member of the community. Mrs. Giles was born in Portland and grew up at the foot of Munjoy Hill. She was a graduate of Portland High School and was known for her work ethic. She began work at the Greely Laundry Company and was a telephone operator at the American Telephone and Telegraph Company. She worked at the South Portland shipyard during World War II, was a meter maid for the Portland Police Department and was a switchboard operator at the Osteopathic Hospital of Maine. She retired from the hospital in 1980. Mrs. Giles married James E. Lee in 1945, and they had 2 children. He passed away in 1966, and 13 years later she married former shipyard coworker Howard Giles, of Saco, who died in 1982. Mrs. Giles was known as a generous friend and caregiver. She volunteered in the Cheverus High School community and at St. Joseph's Manor, St. Maximilian Kolbe Church and St. Patrick's Church. She will truly be missed and long remembered;

(HLS 1034)

Presented by Representative VACHON of Scarborough.

Cosponsored by Senator VOLK of Cumberland, Representative SIROCKI of Scarborough, Senator ALFOND of Cumberland, Senator HASKELL of Cumberland, Representative HARLOW of Portland, Representative FARNSWORTH of Portland, Representative MOONEN of Portland, Representative RUSSELL of Portland, Representative CHIPMAN of Portland, Representative JORGENSEN of Portland, Representative STUCKEY of Portland, Representative DION of Portland.

On **OBJECTION** of Representative VACHON of Scarborough, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Merton G. Henry, of Scarborough, on the celebration of his 90th Birthday, February 4, 2016. We extend our congratulations and best wishes to Mr. Henry on this occasion;

(HLS 1038)

Presented by Representative VACHON of Scarborough. Cosponsored by Representative McLEAN of Gorham, Representative SIROCKI of Scarborough, Senator VOLK of Cumberland, Senator MILLETT of Cumberland.

READ and **PASSED.**

On motion of Representative VACHON of Scarborough, the House **RECONSIDERED** its action whereby the Sentiment was **PASSED.**

Subsequently, on further motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

REPORTS OF COMMITTEE

Refer to the Committee on Education and Cultural Affairs Pursuant to Resolve

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Replace a Statue in the National Statuary Hall Collection"

(S.P. 645) (L.D. 1604)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Resolve 2015, chapter 51, section 2.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS.**

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Refer to the Committee on Labor, Commerce, Research and Economic Development Pursuant to Public Law

Representative HERBIG for the **Joint Standing Committee on Labor, Commerce, Research and Economic Development** on Bill "An Act To Implement the Recommendations of the Maine Affordable Housing Working Group"

(H.P. 1095) (L.D. 1607)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** pursuant to Public Law 2015, chapter 267, Part QQQQ, section 1.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.**

Sent for concurrence.

Refer to the Committee on Veterans and Legal Affairs Pursuant to Resolve

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Clarify the

Laws Governing Certain Benefits Provided to Veterans and Military Service Members"

(H.P. 1098) (L.D. 1610)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Resolve 2015, chapter 19.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS.**

Sent for concurrence.

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-522)** on Bill "An Act To Ensure a Continuing Home Court for Cases Involving Children"

(H.P. 609) (L.D. 890)

Signed:

Senators:

BURNS of Washington

JOHNSON of Lincoln

VOLK of Cumberland

Representatives:

HOBBS 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 Not to Pass** on same Bill.

Signed:

Representative:

GUERIN of Glenburn

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-522)** was **READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Tuesday, March 1, 2016.

CONSENT CALENDAR

First Day

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

(S.P. 607) (L.D. 1551) Bill "An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 406) (L.D. 1137) Bill "An Act To Promote Reemployment of Unemployed Workers" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-360)**

(S.P. 559) (L.D. 1457) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (EMERGENCY) Committee

on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-361)**

(H.P. 1067) (L.D. 1575) Bill "An Act To Make Technical Amendments to the Maine Juvenile Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(H.P. 1005) (L.D. 1464) Bill "An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-525)**

(H.P. 1033) (L.D. 1510) Bill "An Act To Improve the Disclosure of Financial Activities by Political Action Committees and Ballot Question Committees" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-527)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR
Second Day

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

(S.P. 619) (L.D. 1571) Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge

(S.P. 568) (L.D. 1470) Bill "An Act To Amend Maine's Death Certificate Disclosure Law" (C. "A" S-358)

(H.P. 1059) (L.D. 1556) Resolve, Regarding Legislative Review of Portions of Chapter 40: Rule for Medication Administration in Maine Schools, a Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1062) (L.D. 1559) Bill "An Act To Encourage Roller Derby"

(H.P. 1008) (L.D. 1485) Bill "An Act To Allow the Director of the Bureau of Parks and Lands To Transfer Ownership of Snowmobile Trail Maintenance Equipment to Incorporated Nonprofit Snowmobile Clubs" (C. "A" H-520)

(H.P. 1046) (L.D. 1521) Bill "An Act To Create Equity among Essential Nonprofit Health Care Providers in Relation to the Sales Tax" (C. "A" H-521)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

BILLS IN THE SECOND READING
Senate as Amended

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That 5 Percent of Signatures on a Direct Initiative of Legislation Come from Each County

(S.P. 272) (L.D. 742)
(C. "B" S-356)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED as Amended** in concurrence.

The Speaker resumed the Chair.

The House was called to order by the Speaker.

ENACTORS
Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education

(H.P. 1058) (L.D. 1555)

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. 138 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Laws Governing Participating Local Districts in the Maine Public Employees Retirement System

(H.P. 690) (L.D. 995)

(C. "A" H-514)

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

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

SENATE PAPERS

The following Joint Order: (S.P. 649)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 1, 2016 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Veterans and Legal Affairs Pursuant to Resolve

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing an Interagency Council To Coordinate Services for Homeless Veterans"

(H.P. 1099) (L.D. 1611)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Resolve 2015, chapter 48, section 7.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent for concurrence.

**Refer to the Committee on Veterans and Legal Affairs
Pursuant to Resolve**

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services"

(H.P. 1100) (L.D. 1612)

Reporting that it be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** pursuant to Resolve 2015, chapter 48, section 7.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

Sent for concurrence.

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, February 23, 2016, 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 (6) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-519)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"

(H.P. 191) (L.D. 273)

TABLED - February 23, 2016 (Till Later Today) by Representative DION of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **DION**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I won't take up too much of your time. I've been told by many, minds have been made up on this issue. But I still choose to speak just to commit to the record the question behind this bill. It's a complex bill with a daunting title, but it surrounds the issue of what to do when solid waste policy crashes into energy policy.

Some years ago, our predecessors saw fit to encourage waste energy plant development and implementation and in order to secure that as their strategy for solid waste disposal, they provided those waste energy plants with price supports so they could sell their electricity on the market and create a revenue stream that would sustain their activities and, therefore, hold down the cost for solid waste disposal for their member municipalities.

I understand the position of those who join the Majority Report in my committee. I feel it's incumbent that I speak on behalf of my own City of Portland and the 30 other communities that make up the collective we refer to as "ecoMaine." On the original plan that led to the development of this \$100 million facility, ecoMaine was subsidized at almost \$13 a megawatt hour. I just want you to hold on to the idea of \$13 because today on the open market they would probably get \$0.45 to \$0.50.

This bill was not necessarily an energy bill. This bill was not a solid waste bill. The language of this proposed statute was to create a financial incentive to keep ecoMaine and other waste energy plants in operation and lessen the possibility that they would create an unplanned burden on their municipal budgets of their member communities. That effort has failed in committee. I imagine it will not fare any better here in this chamber. But I think it's important to note that this bill represents almost 10 years of back and forth decisions and ideas and contemplation between various committees of this Legislature and we have not arrived at a solution.

This is not a Portland problem. It is a problem that will surface in Bangor as it decides its future around waste energy management or landfills. One thing is certain. No matter what we decide today, the flow of municipal waste will continue to come forward and if there's no opportunity to dispose of that bulk through incineration, then municipalities will have to consider increasing their contribution to those budgets by increasing tipping fees and the source of those monies will come from property tax payers.

So, in essence, this bill is about two ideas of users. One are ratepayers and on our committee we defend their interest whenever it's presented, and that of property tax payers, which we collectively work hard to protect their interests. The burden will exist no matter your decision today. The question behind your decision is which class of citizens will be left with the residual and who will pay that bill. The majority proposes a question that should be best resolved at the local level and the burden will fall on residential and commercial property tax payers. The minority position had hoped that we could distribute that burden across the broadest pool of contributors—ratepayers—since solid waste is not necessarily a local issue, but has statewide implications. And that is the purpose for my rising today is to simply frame the question behind this bill and I appreciate your attention. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker and Men and Women of the House, I will be voting against this bill. This is a long and complicated issue as members of the Environment and Natural Resources Committee understand. We have a law in place that has a solid waste hierarchy in which waste-to-energy plants are an important part at the base of our hierarchy before we get to landfills. The loss of these facilities, should that happen if there's no funding for them, will result in a lot more garbage going into landfills.

It is, in my mind, a statewide issue, not a local issue. Do we pay for our solid waste management through local property taxes or is there a way to spread it more equitably over ratepayers? It's not an easy discussion and I know that it will be discussed beyond today and probably into another session. But I, again, would encourage people to bite the bullet, if you will, and try and help figure out a way to pay to keep these important facilities open.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I think it's really important that we understand that this is a generational problem and that we need to take and develop some long-term solutions. This is not a long-term solution and I freely admit that, but it does give us time, maybe, in order to deal with it if we paid attention to this particular issue.

The other aspect of it, however, is that, at least as far as ecoMaine is concerned, there's more than just trash being

burned to generate energy. It's more than just the incredible recycling initiatives that they have provided. There's also a tremendous public education aspect of this whole process that has been extremely important in terms of helping the general public to understand the importance of management of this particular part of our economy. And that is the stuff that we buy, that we use, that we throw out, and how to manage it in a very effective way so that we minimize the impact on our environment. So I'm going to be voting against the committee majority because I think that this particular initiative would give us at least some time to maybe develop the longer term solutions that will reduce the impact for generations to come. Thank you.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker, Men and Women of the House, I, too, rise to oppose the pending motion. But I, like the other speaker, I seem to be using this mostly as a teaching moment. People ask me why I am in the Legislature and I tell them, "Because, no matter what happens down here, at least I have a front row seat at the train wreck." And it is amusing to watch what happens, especially in a term-limited Legislature, where it's rather easy to kick the can down the road because you're not going to have to deal with it.

We've been kicking this can a long time. If you want to see the train wreck, you can already see the train passing through Bangor and heading south. Unfortunately, some of the activity that should've happened years ago, didn't, and now we're facing a crisis up in that end of Maine.

Waste to energy is our current waste infrastructure, especially in southern Maine. In your property tax bill, schools are the big issue; roads and waste, not that far behind. So before you take actions that might collapse your infrastructure, at least take the time to think twice. It is easy to say that these plants are old and outdated. Are you ready to pay for new and modern facilities? Are you ready to try to put in mega-landfill in southern Maine? I don't think you can. We tried that in the '90's. We created the Waste Management Agency and its task was to go site landfills. They failed. We abolished them. Nobody's been able to site a landfill since, except when a paper company gave us one and then we ended up with more.

They have just tried to site a landfill in northern Maine to serve the Municipal Review Committee up there, the 187 communities served by that. That failed. It was crushed locally. So, if you think you're going to put your trash in a ground, that era ended about 25 years ago. What we're left with now is new technology that has not been tried anywhere in the country. That's what they're going to review and take that risk in northern Maine. That train is heading south.

That's about—I think if I remember right, it's an \$85 million investment. And that's for an area of Maine that doesn't make as much trash as your end of the state does, Mr. Speaker. I can only imagine what the investment southern Maine is going to have to make in order to do a new, modern facility. The business managers in here are already thinking, "What is the cash flow to support that debt service? How is that going to affect my tipping fees and my property taxes?" Have that thought when this debate comes back again because it will. The train is heading south.

Before anyone dismisses infrastructure that is already paid for, you might want to think about doing things that will help to save it. Ask yourself if you can afford to replace what is already paid for and how much debt you are willing to take on. Can you service that debt? Because the money it takes to service that debt is coming from only two places: it's coming from commercial

tipping fees and your property taxes. So, thank you, Mr. Speaker.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I wasn't planning to speak on this, but I do want to say a few things. The way we are doing things right now with landfilling and these energy credits is completely backwards from the way we ought to be doing it. Our waste hierarchy does state that landfilling should be the last priority. However, these credits, the way they're given out, actually prioritize landfilling over waste energy, which makes no sense to me.

We give a better credit, a higher credit, to the electricity produced from gas that comes from landfills, than we do from waste energy facilities. And as a result, we, part of the reason why we have higher tipping fees at the waste energy facilities is because of the way these credits are given out. Currently, most waste energy facilities have to charge \$70-\$80 a ton to take trash to cover their cost of doing business, whereas landfills can take trash for \$50 a ton, sometimes a little less than that. And as a result, we have cities and towns that live very close to waste energy facilities actually sending all of their trash to landfills, which is completely unsustainable. It's a temporary storage facility and it makes no sense.

And they've gone into some of these landfills and actually dug up newspapers from the '70's and '80's; you can still read the print, you can read when John F. Kennedy was assassinated and things like that on the newspaper print because it's still there. It sits there. Nothing happens to it. It makes no sense and these landfills are eventually going to have to be cleaned up and be dealt with at some point. So, I would rather encourage waste to energy facilities and burn trash for energy, as opposed to landfilling it. But, economically that doesn't make sense for some towns and so they're sending stuff to landfills instead.

This would give a better energy credit to the waste to energy facilities and allow them to be able to lower their tipping fees a little bit and create a little more incentive to send stuff there as opposed to landfills. So, I will be opposing this motion and I hope you will join me in opposing it as well. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Mr. Speaker and Honorable Members of the House, I rise to support the pending motion. We learned in committee that if you support this bill then you're supporting 100,000 tons of out-of-state trash coming in to be burned in Maine and the residuals stored in our landfill. This bill would classify waste energy facilities as renewable under the state's renewable energy law and allow these facilities to receive electric ratepayer subsidies, thus increasing electric bills in Maine by tens of millions of dollars.

My constituents are CMP customers who have been required to pay a huge premium for the power these facilities produce, and this has amounted to roughly one billion in above market electric rates paid by CMP customers, or more than 1,000 per residential customer, which means Mainers were paying one billion more for electricity than what the price of electricity was at that time. This bill does not change that.

The only reason to ask for this special treatment is to make their electricity more expensive to Mainers and more profitable for themselves. Existing waste-to-energy facilities do not need this bill. They can sell their energy into the wholesale electricity market just like any other power generators in Maine does. As you know, there is nothing renewable about waste energy. In fact, the proponents of this bill have tried numerous times over

the past few years at similar attempts, all of which had been rejected by the Legislature on a bipartisan basis time and time again. I would ask the Honorable Members of the House to do the same. Thank you, Mr. Speaker.

Representative CAMPBELL of Newfield moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 478

YEA - Alley, Austin, Battle, Beavers, Black, Campbell J, Chace, Chapman, Corey, DeChant, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Higgins, Hilliard, Hobart, Hobbins, Hymanson, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, Martin J, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

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

ABSENT - Buckland, Crafts, Daughtry, Dillingham, Gattine, Kruger, Martin R, Sawicki, Wood.

Yes, 73; No, 69; Absent, 9; Excused, 0.

73 having voted in the affirmative and 69 voted in the negative, with 9 being absent, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

SENATE PAPERS

Bill "An Act To Provide Funding to the Maine Budget Stabilization Fund" (EMERGENCY)

(S.P. 647) (L.D. 1606)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide"

(S.P. 646) (L.D. 1605)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

The following Joint Order: (S.P. 650)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary shall report out, to the Senate, a bill to implement the recommendations of the Intergovernmental Pretrial Justice Reform Task Force.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Exempt from Sales Tax Meals Sold by Nonprofit Organizations"

(S.P. 651) (L.D. 1613)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Criminal Justice and Public Safety

Pursuant to Statute

Report of the **Joint Standing Committee on Criminal Justice and Public Safety** on Resolve, To Provide Funding for the County Jail Operations Fund (EMERGENCY)

(S.P. 652) (L.D. 1614)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** pursuant to the Maine Revised Statutes, Title 34-A, section 1402, subsection 13.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve and accompanying papers **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Resolve and accompanying papers were **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

ENACTORS

Resolves

Resolve, To Name a Bridge between Atkinson and Sebec the Captain John "Jay" Brainard Gold Star Memorial Bridge

(S.P. 619) (L.D. 1571)

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

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

On motion of Representative HEAD of Bethel, the House adjourned at 11:59 a.m., until 10:00 a.m., Tuesday, March 1, 2016, pursuant to the Joint Order (S.P. 649) and in honor and lasting tribute to Lee (Lina) Amann, of Bethel and Deborah A. Bradford, of Dedham.