

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
18th Legislative Day
Thursday, March 3, 2016

Representative BECK of Waterville assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Reverend Diane Bennekamper, Congregational Church in Cumberland, United Church of Christ.
National Anthem by Suzie Edwards, Boothbay.
Pledge of Allegiance.
The Journal of Tuesday, March 1, 2016 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Allow York County To Better Provide Rescue and Ambulance Services"

(H.P. 124) (L.D. 166)

(C. "B" H-513)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-513) in the House on February 16, 2016.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 461)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

March 3, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Energy, Utilities and Technology

L.D. 1302

An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market

Environment and Natural Resources

L.D. 1566

An Act Concerning the Establishment of Water Levels

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 788)

MAINE SENATE

127TH LEGISLATURE

OFFICE OF THE SECRETARY

March 1, 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 Marine resources, the nomination of Arnold A. Nickerson IV of Arundel for reappointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Marine Resources, the nomination of Daniel L. Rogde of Jonesport for appointment to the Marine Resources Advisory Council.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of James A. Clair of China Village for reappointment to the Loring Development Authority of Maine.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of James M. Cote of Limestone for appointment to the Loring Development Authority of Maine.

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 Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law"

(H.P. 1107) (L.D. 1631)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Cosponsored by Senator MASON of Androscoggin and Representatives: FARRIN of Norridgewock, HARRINGTON of Sanford, MAKER of Calais, PIERCE of Dresden, POULIOT of Augusta, TURNER of Burlington, Senators: COLLINS of York, SAVIELLO of Franklin.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act Authorizing the Deorganization of Cary Plantation"

(H.P. 1109) (L.D. 1633)

Sponsored by Representative SHERMAN of Hodgdon.

Submitted by the Office of the State Auditor and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act Authorizing the Deorganization of Oxbow Plantation"

(H.P. 1112) (L.D. 1635)

Sponsored by Representative MARTIN of Eagle Lake.

Submitted by the Office of the State Auditor and approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Criminal Law Advisory Commission**

Representative FOWLE for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Make Certain Statutory Changes in Light of the New Maine Rules of Unified Criminal Procedure"

(H.P. 1108) (L.D. 1632)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

ORDERS

On motion of Representative TEPLER of Topsham, the following Joint Order: (H.P. 1111)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to provide a sales tax exemption for feminine hygiene products.

READ.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House, I just briefly want to explain that this Joint Order came out of a conversation in the Tax Committee the other day and all of the members present at the committee meeting agreed that we would be willing to put forward a committee bill to resolve the issue of feminine hygiene products not being listed on the Maine Revenue Services list of necessities of life. Many of you have received emails about this topic and so I'd appreciate your authorizing our committee to be able to report out a bill on this issue. Thank you.

Subsequently, the Joint Order was **PASSED**.

Sent for concurrence.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 41)

ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused February 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Martin J. Grohman of Biddeford be excused February 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patricia Hymanson of York be excused March 1 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Chuck Kruger of Thomaston be excused February 18 for health reasons.

AND BE IT FURTHER ORDERED, that Representative David P. Sawicki of Auburn be excused February 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter C. Stuckey of Portland be excused February 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Stephen J. Wood of Greene be excused February 25 for personal reasons.

READ and **PASSED**.

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 Tuesday, March 1, 2016, 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 in Memory of Margaret (Connolly) Lee Giles, of Portland

(HLS 1034)

TABLED - February 25, 2016 (Till Later Today) by Representative **VACHON** of Scarborough.

PENDING - ADOPTION.

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

Representative **VACHON**: Thank you, Mr. Speaker, Men and Women of the House, I rise today in memory of Margaret Connolly Lee Giles, a long-time member of the Higgins Beach community, and mother of Regina Day—the very first neighbor I met when I moved to Higgins Beach 30 years ago. I welcome Regina and her brother, Jim Lee, as well as her mother-in-law, Edna, here today, as I take a moment to pay tribute to their mom, who went home to our heavenly Father February 13th at the age of 94.

When it came to being mother, Margaret was the ultimate role model. Until her dying day, raising children was the love of her life. She was so active in her children, grandchildren, and step grandchildren's lives, always willing to pick up a sick child, or provide a ride to music, dance or athletic events. She never hesitated to lend a helping hand, and this is how I came to know Margaret best.

I learned how spring cleaning was really done by witnessing the mother-daughter team of Regina and Margaret. Each year, as the Higgins Beach community opened up the summer season, there was always a buzz of community work being done. Margaret was right in the thick of it. Painting, cleaning, maintenance projects and landscaping; nothing stopped Margaret.

In the last few years of Margaret's life, her spirit for doing all these project didn't wane, but physically, she wasn't able. That didn't stop her from accompanying Gina though. She was as loyal and dedicated to her family and community as the day is long. Our community will miss Margaret. She was a wonderful witness of love and motherhood. I thank you for ending this session today in memory of Margaret Connolly Lee Giles. Thank you, Mr. Speaker.

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

Expression of Legislative Sentiment Recognizing Merton G. Henry, of Scarborough

(HLS 1038)

TABLED - February 25, 2016 (Till Later Today) by Representative VACHON of Scarborough.

PENDING - **PASSAGE**.

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

Representative **JORGENSEN**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker, Men and Women of the House, Maine is a better place because of Mert Henry, and I'm sure of that. He brings an extraordinary personal story, an exemplary career in the law, and an encyclopedic knowledge of Maine politics and history to all the issues and organizations with which he's been involved. And I think it's interesting to note that as one who has reached the age of 90, he's actually now lived and worked among the people making Maine's history for almost half of Maine's entire history as a state. Ninety years of keen observation and careful thought.

You might know Mert through one of the institutions he's advised, from Bowdoin College, the Maine Humanities Council, Margaret Chase Smith Library, or Morton Kelly Charitable Trust, or through his connection to the many political candidates and officeholders he's advised, from Margaret Chase Smith to Olympia Snowe to Frederick Payne to George Mitchell, Horace Hildreth, and Susan Collins. Mert is absolutely a Republican, but he's been generous and has offered his wisdom to people on both sides of the aisle.

I've had the privilege of working directly with Mert in a number of contexts and with many organizations. I consider him a close friend, a person whose comments are always worth heeding, and even more than that, as an historian's historian. Mert always brings both his experience and his acuity of perception to everything he works on. No matter what you think you know about Maine or American History, you can't spend time with Mert and not learn something new.

I'm thrilled to see that my good colleague, the Representative from Scarborough, has brought this sentiment forward. Mert Henry, who unfortunately could not be here today, has had true statewide influence, and is richly deserving of whatever honor this State Legislature can afford him. Thank you very much, Mr. Speaker.

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

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

Doctor of the day, Lani Graham, MD, MPH, Freeport.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-523)** - Minority (4) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet"

(H.P. 560) (L.D. 826)

TABLED - March 1, 2016 (Till Later Today) by Representative GIDEON of Freeport.

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-523)** was **READ** by the Clerk.

Representative DION of Portland **PRESENTED House Amendment "B" (H-542)** to **Committee Amendment "A" (H-523)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-523) as Amended by House Amendment "B" (H-542) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, March 8, 2016.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-524)** - Minority (6) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services

(H.P. 554) (L.D. 805)

TABLED - March 1, 2016 (Till Later Today) by Representative LUCHINI of Ellsworth.

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 Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of the Majority Ought to Pass as Amended Report. If passed, this Resolve would waive the state's defense of sovereign immunity and authorize five individuals to bring suit against the Department of Health and Human Services for damages related to its actions.

In particular, this case is related to the mismanagement within the childcare licensing division of DHHS, and specifically the horrific reports of abuse from the Sunshine Childcare Center in Lyman, which I'm sure many of you have heard the reports about. Under the Maine Tort Claims Act, the state's given broad immunity from liability caused by its actions or those of its employees, and the notion of sovereign immunity means that the state cannot be held liable for its actions unless it's waived by the Legislature.

So, the question before us today is whether or not the Legislature should waive this defense of sovereign immunity. And I just want to be clear that by passing this legislation today, we wouldn't be, as a Legislature, we wouldn't be the judge and the jury in this case. We wouldn't be taking sides or declaring guilt or innocence. We're simply allowing the case to go on and be heard in court. That's what the families are asking for. Some of the families are here today, to my understanding. They want their chance to present their case in court. And in fact, our committee received correspondence from the superior court that if the Legislature doesn't act and waive of sovereign immunity, they'll immediately dismiss the case without prejudice.

So, given the underlying circumstances of the case, the majority strongly believed it appropriate to waive the defense of sovereign immunity, give their families a day in court. And really, the issue is about holding the state accountable. Again, the court would decide ultimately who wins and who loses, but we felt that this should go through to the courts.

And by way of background, some information that may help you with the decision. I think it's important to understand that waiving sovereign immunity is not unprecedented. In fact, in the last 39 years, since 1977, the Legislature has waived immunity 29 times. So, while many others here can probably speak to the specifics of the case better than I can, I just wanted to bring a

couple of points to your attention that I hope you'll give consideration.

Particularly, the years of abuse that went on at this daycare center. In July of 2012, for instance, an investigation concluded by the state that said, "the information obtained during the course of the investigation supports allegations of abuse and neglect." That investigation by the Department cited three parents, eight staff, that reported they'd witnessed events that children were mistreated in many ways, including verbal abuse, name calling, force feeding of children, physical abuse, children being hit, slammed on the floor, hair grabbed; horrible, horrible instances.

However, in the month that followed, the letter from the licensing division within the Department of Health and Human Services said, and I'll quote, "The Department is not taking any licensing action at this time. However, the Department wanted to bring to your attention information that was gathered as a result of the investigation." The second investigation, I'll highlight, happened in August of 2013. The report, again, cited both verbal and physical abuses and that investigation concluded, again I'll quote, "The totality of all the dynamics in this childcare center creates a toxic and unsafe environment for children to be present in, as well as staff persons." The investigation also cited over 50 violations of rules.

And nine days later, which was particularly appalling to the families and to members of the committee, rather than suspend the license, the Department decided to issue a conditional license, despite the 50 violations, and continued to allow this childcare center to operate. And they didn't notify any of the parents. And most appallingly, this childcare center was never shut down by the state. It was voluntarily shut down by the owners when this became huge news in the Maine press.

So, I'll wrap up. I'll just say I'm sure we all agree that these actions are horrific. The majority of us on the committee strongly felt these circumstances justify waiving the defense of sovereign immunity, just like we've done many, many other times in the past. Doing so would simply let these families have their day in court. They may win, they may lose. We aren't declaring guilt or innocence.

And as a last point, if you read the Resolve, in terms of the potential liability to the state, we've left the total damages cap under the Maine Tort Claims Act of \$400,000, as a total for all cases involved, which also is the amount covered by the state's liability insurance that they have. So I strongly support the Majority Ought to Pass as Amended Report. I hope you give it strong consideration and I thank you for your time. Thank you, Mr. Speaker.

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 Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Mr. Speaker Pro Tem, Women and Men of the House, I rise in support of the Resolve before you. I'm going to ask you all to put yourselves, just for a moment, in the shoes of one family named in this Resolve. They could be any one of us, raising a family while holding down a job, relying on a licensing system and governmental agency they thought they could trust to help them keep their precious children safe while in the care of others. This is a story that should have never happened, but it did.

I quote from their testimony presented last April, 2015: "Our infant son was a victim of abuse at Sunshine Childcare in Lyman and it took three years for us to know about it. In January 2014,

we saw a television news story about the center closing amid allegations of abuse and neglect. The story outlined specific complaints against the center, including a chilling mention of abuse on an infant.

We found out later that morning that the infant mentioned in the news story was our son. Within hours, we were able to speak with the former staff member who witnessed the incident. We were horrified to learn from her the details of a day in December 2010 when our infant son was at Sunshine while my wife and I were at work. Our baby was crying loudly, so loudly, we were told, that the owner of the daycare entered the nursery and complained that her husband in the next room could not sleep with the crying. The owner grabbed the baby from the arms of the nursery employee and angrily began wrapping him extremely tightly in blankets. It was a sadistic swaddle that caused our six month old son to scream even louder we were told. The owner then forcibly held him down in the pack-n-play while he shrieked and screamed for help.

"The employee said she had never heard a baby shriek as loudly or desperately in her life. The owner ultimately walked away in exasperation, declaring he had to stop crying eventually. Immediately after she left, the employee picked up our son to soothe him. She told us he was swaddled so tightly that his eyes were bloodshot and bulging out of his head.

"The employee was horrified and knew she had to report this incident to DHHS, which she did right away before resigning her position. We have documentation of a 2012 written reprimand to the owner from the DHHS licensing director, in which this incident and others like it, were acknowledged and investigated. The letter included findings of blatant abuse of children at Sunshine. The letter closed with a surprisingly courteous notice that no licensing action would be taken against Sunshine Daycare. It took us three years to learn about our son's abuse incident. Three years—and even then, only through back channels.

"I am here because it is clear that DHHS dropped the ball with the licensing of Sunshine. In fact, the owner should never have been licensed in the first place. Had DHHS appropriately scrutinized her application, her prior history with Child Protective Services would have prevented her licensure. DHHS failed to act on a number of occasions. The details of our experience and the experiences of other Sunshine parents create a picture of complete failure and ambivalence at DHHS. It was that failure that resulted in the abuse of several children over many years. The fact is, they knew. They knew and they did nothing. DHHS failed our family. I often think I did something wrong, but I know I did what I could do to protect him. DHHS cannot say the same." End quote.

A license should mean something, Mr. Speaker Pro Tem. These parents deserve their day in court and an opportunity to hold the Maine Department of Health and Human Services accountable for their failure to protect our youngest citizens. This is not possible without your support. If there was ever a case where sovereign immunity should be waived, this is it. I urge you to support the motion on the floor. Thank you, Mr. Speaker.

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

Representative **KINNEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. During the work session, testimony was brought forward that this bill is not about money, but about creating accountability in the Department of Health and Human Services. The Department of Health and Human Services has implemented numerous changes in regard to oversight and accountability of daycares, including online assistance for customers of daycares

to review and research daycares in trying to make up a decision of where they desire their children to go.

The workload by the Department of Health and Human Services employees in regards to the number of daycares that each employee inspects has been reduced in order to allow increased accountability at daycares. As a result of the work sessions that this bill received, I feel confident that the Department of Health and Human Services has tackled the goals of what this suit was hoping to do—and that is accountability in regards to the oversight of our daycares.

I would also like to mention that the people who are bringing this suit have not, as of this date, brought suit against the daycare itself. And it seemed, to myself and some other members of the committee, that that would be the first place to start. Thank you, Mr. Speaker.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, as I approached today, I struggled with how best to tell this story about how these families have come to the point of wanting the courts to determine the liability of the State of Maine, Department of Health and Human Services, as to the physical and emotional abuse their children experienced at the hands of the owners of the private child care facility in Lyman.

Why would the state potentially be liable, you ask? Isn't this a private facility and don't the families make the choice on their own? While that is certainly the case, a very important factor that goes into the decisions around whether or not a facility meets a family's standards is whether or not that facility is licensed by the state. There is, by this piece of paper, a seal of approval by our department that this facility meets basic standards, both in terms of safety of the physical plant in which the program operates and to the quality of the service that is being provided. And if you read the licensing requirements, you certainly come away with a sense of assurance that a license means that this is a program you can trust, a trust that comes from our trust in the thoroughness and effectiveness of the state's oversight of these programs.

Issues such as cleanliness of the bathrooms and kitchen, is there adequate light, is there enough square footage for the number of children, is there adequate outdoor and indoor play areas as young children need to be active and have opportunities for running and playing. Also, is the staffing adequate? What are the staff-to-child ratios for infants, toddlers, etc., as they are depending on the age of the child? And do the staff meet educational standards as early childhood is a very important time of life and requires a level of training that will ensure that these important needs are met? And we've all heard time and time again about the importance of those first five years. This is a critical time in the development of a child.

Yes, once you have gone through all that to obtain a license, it is presumed that it is not just a one-time qualification. No, it is understood that there will be follow-up visits by licensing workers that will monitor all aspects of the program, evaluate strengths and weaknesses, provide support and advice, and make regular reports as to the maintenance of these standards. It is challenging for a child care facility to get a license and, given best practice, to keep that license. And best practice sees this as a partnership between the provider and the state to ensure that the quality of the service being provided is maintained.

That is the basis for the trust that a family places in that piece of paper called a license. But there is also an assumption that, should a facility fail to maintain these standards, that the state will intervene with appropriate action, from deficiencies that need to

be addressed before the state worker returns in two weeks, all the way to a suspension of a license where severe deficiencies are found. It is also a fair assumption by parents that, should there be conditions that warrant action, they will be informed so that they may evaluate the situation and take appropriate action related to their own children.

For a state agency, such as the Division of Licensing and Regulatory Services, there are also standards as to the training of their staff, the frequency of the visits to providers, the number of providers that can be effectively managed by a worker and the administrative chain of command that reviews the reports, hears the issues raised by the field staff, and takes appropriate and timely action to address these issues. This is not unreasonable, and yet, this seems to have been where the breakdown occurred.

Field staff often were carrying caseloads in excess of 200 providers. Visits were being cut back to one year unless more frequently indicated by inspections for a new or license renewal. And these, also, were months behind. Effective oversight could not have been achieved and as a result there were issues all over the state that were reported by the field staff but for which there was no action taken. The system broke down and with it the safety net for these young children.

Now I must say that for a vast majority of competent and conscientious childcare programs, this is probably not as much of an issue, as they operate with a very high ethical standard and maintain self-monitoring and license regulation compliance on their own very effectively. But there is always a small percentage in any industry or business that do not operate in this way. And that seems to have been the case in Lyman.

Reports of abusive behavior began to trickle out because some of the direct care staff could no longer accept what was happening. Reports to Child Protection—their Out of Home division—went without response initially but when the field staff did make a visit and heard the stories of the abuse, their reports with recommendations went unheard and no action was taken.

Likewise, it was finally a story in the media that tore back the curtain with the state finally issuing only a conditional license while the families took their own action and withdrew their children. But the damage to these children had already been done and may only be known as they grow older. Research indicates that early childhood trauma, such as what these children experienced, may not show symptoms for years, and may require services related to those experiences—considerable counseling, maybe even medical intervention at some point. These can be very costly.

However, the biggest loss is the loss of trust in the state's promise to keep their children safe. It is that breach that has made these families want to take steps to ensure that there is a reminder to the state that this should not have happened to theirs or any other children and that it should not happen in the future. So, all these families want to do is to do is to take their case to Superior Court and let the court hear the facts and then let the court determine if they are right or if the state was right in their actions. They are not asking the Legislature for a settlement. They are just asking for the right to be heard in a court of law. I hope that you will see this as a fair resolution to this unfortunate set of circumstances and support these families' rights to be heard. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I would've loved to have really been able to hear what the good Representative was just speaking about, but it's very difficult to hear in the chamber with a lot of the murmuring. The Representative had a lot of

good things to say. But last year, the good Representative from Lebanon brought forth a bill regarding the Sunshine Daycare and the Department and how they were going to be doing notifications, etc. There was a lot of discussion in that bill regarding this very egregious act. The Department also had a competing bill that had much the same measures.

The Department admits that what happened at Sunshine Daycare was certainly egregious event and it never, ever should've happened. And it should never, ever happen again. But that's why they have implemented much stronger measures of accountability and oversight, lighter caseloads, quarterly contacts. The Department has taken some great measures to make sure that what happened at Sunshine Daycare will never, ever happen again.

The Representative from Lebanon who came forth with a good bill last year, a very in-depth bill, a very stringent bill that the Department would have to go through, was satisfied with the work that was done last year. She was a champion of children. She is a champion of children. And she never would've agreed to that if she didn't feel that the measures that had been taken to make sure this never happens again had been satisfied.

When it comes to this measure right now, what we're authorizing if we pass this, is we're authorizing the suing of Maine taxpayers. That's what will happen if there's any lawsuit that goes forward and any resolution is gone forward. The notion that this is just wanting to have their case heard, while important, and I certainly empathize with these families, I mean, just think about it: there's been so much about the Sunshine Daycare, there's been so much work done in regard to this Department and how they handled this. I think their story has been heard. And I hope we never forget their story because it is an important story.

But, I think any kind of allowance to sue any state government at this time, it's going to bypass the departments who've already made the corrective actions necessary to assure this never happens again. And it's going to land solely on the taxpayers' pocket to pay any penalties and fines that may be abridged against them because that's, after all, where the Department and state government gets their money from. Thank you.

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

Representative **SIROCKI**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I would just like to read a few short sentences from some testimony that was provided by Holly Lusk, who at the time had been the Senior Health Policy Advisor to the Governor on her opposition to LD 805. And it reads, "While it is true that the Legislature can waive sovereign immunity, as set out in the Maine Torts Claim Act, such waivers should not be undertaken without consideration of the fact the state is the sovereign of all taxpayers, not just a few. In a private lawsuit, the person causing the harm can be held financially responsible for damages caused to a plaintiff. In the case of a suit against the state, however, as the good Representative from Chelsea pointed out, any settlement or award is paid by the taxpayers." Thank you.

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

Representative **SCHNECK**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, I rise in strong support of the pending motion. I sit on Veterans and Legal Affairs and I have a little story to tell. On the day that these families came to speak and testify in front of us, there was a lot of Kleenex being passed around. There wasn't a dry eye in the room. In fact, the Representative from the Executive's Office, who was there to

testify against the bill, had as many flowing tears as the rest of us.

We're talking about, not just children, the allegations that were brought before us were allegations of brutal behavior in this daycare center and brutal behavior to infants. And it was really, really difficult to listen to. But, where I stand on this thing is we're not judges of the facts. The people in this room should not judge this case one way or the other. What these families require and the right and wrong thing to do here, the absolute correct thing to do here, would be to allow a competent authority, which would be the court, to hear these arguments and let the court decide. That's all we're asking here is to give these people the chance to make their case to a competent authority and let this thing move forward. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, LD 805 reads on a "Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services." All we're asking this chamber is to okay these people to go to the courts. We're not making any judgement. The courts will do that. So I don't see any reason why we can't turn around and accept this instead of dividing between both sides of the aisle. Nobody's looking to make any judgements.

And as far as the good Representative from Limington, I agree with him, too. When it goes to the courts, they should also bring to the courts the daycare center, too. Don't let them off the hook either. Thank you, Mr. Speaker.

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

ROLL CALL NO. 482

YEA - Alley, Babbidge, Battle, 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, 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, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Sherman, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Bates, Bickford, Chace, Devin, Fredette, Frey, Gerrish, Herrick, Pouliot.

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

80 having voted in the affirmative and 62 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-524)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Tuesday, March 8, 2016.

ENACTORS

Emergency Measure

An Act To Provide Flexibility in the Administration of the Elver Fishery

(H.P. 1025) (L.D. 1502)

(C. "A" H-530)

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the bill before us has two parts. The first part allows for seven day a week fishing so that fishermen can fully catch their elver quotas. This is based on quota management. It's a better conservation measure than the measures that were in place before. The second part of the bill, in my opinion, represents a big step forward in tribal-state relations. It permits flexibility in how the federally recognized tribes in the State of Maine can manage their tribal quotas.

Through negotiated agreements with the Department of Marine Resources, the tribes can fish, if they so choose, fish their quota as a tribal, rather than an individual quota. This recognizes that cultural and political differences and distinctions of our four federally recognized tribes. In particular, this is an issue important to the Passamaquoddy tribe.

I'd like to thank the members of the Marine Resources Committee, Commissioner Patrick Kelleher and his staff of DMR, and equally recognize the work of Chief Frederick Moore, Chief William Nicholas of the Passamaquoddy Tribe, the Joint Tribal Council, and the Honorable Matthew Dana for their work on this piece of legislation. Thank you, Mr. Speaker.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 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.

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

ORDERS

On motion of Representative **HICKMAN** of Winthrop, the following Joint Order: (H.P. 1113)

ORDERED, the Senate concurring, that the Joint Standing Committee on Agriculture, Conservation and Forestry shall report out, to the House, a Bill relating to the Sinclair Sanitary District.

READ.

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

Representative **HICKMAN**: Thank you, Mr. Speaker, last week the Joint Standing Committee on Agriculture, Conservation, and Forestry dispensed with a Resolve regarding the Sinclair Sanitary District. With the advice of our excellent analyst and in order to put a proper piece of legislation before the Legislature, our committee voted unanimously to report out the bill as a private and special law instead of a Resolve. Since Resolves cannot be amended into Acts, this Joint Order will allow the

committee to report out the bill as our committee intended. I humbly request that this body pass this Joint Order and send it forthwith. Thank you, Mr. Speaker.

Subsequently, the Joint Order was **PASSED**.

Sent for concurrence.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License"

(S.P. 563) (L.D. 1462)

Signed:

Senators:

CYRWAY of Kennebec

PATRICK of Oxford

Representatives:

DILLINGHAM of Oxford

HANINGTON of Lincoln

KINNEY of Limington

SAUCIER of Presque Isle

TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-355)** on same Bill.

Signed:

Senator:

COLLINS of York

Representatives:

LUCHINI of Ellsworth

GOLDEN of Lewiston

LONGSTAFF of Waterville

MONAGHAN of Cape Elizabeth

SCHNECK of Bangor

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

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

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-366)** on Bill "An Act To Protect Maine Voters from Intimidating Videotaping at the Polls"

(S.P. 625) (L.D. 1574)

Signed:
Senators:
CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:
LUCHINI of Ellsworth
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

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

Signed:
Representatives:
DILLINGHAM of Oxford
TURNER of Burlington

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-366)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-366)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 8, 2016.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012"

(H.P. 715) (L.D. 1032)

Signed:
Senator:
VALENTINO of York

Representatives:
ROTUNDO of Lewiston
FREY of Bangor
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
SANBORN of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-534)** on same Bill.

Signed:
Senators:
HAMPER of Oxford
KATZ of Kennebec

Representatives:
NUTTING of Oakland
SIROCKI of Scarborough

TIMBERLAKE of Turner
WINSOR of Norway

READ.

Representative ROTUNDO of Lewiston moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you, Mr. Speaker, first the motion before us is to accept the Ought Not to Pass Report. And I'm going to ask that you reject this Report to allow us discuss the Minority Report. I admit that the motion before us is a safe and comfortable one. It really just simply maintains the status quo. So if we reject the motion before us, we will not be able to discuss the benefits of creating a new retirement system that will allow us to recruit and retain a future workforce—a workforce that's going to consist primarily of those people who are now called Millennials: people who are born between 1977 and 1997. This is a group that now makes up one half of the worldwide workforce.

And these are people who, historically, or at least at this point, are maintaining a job for five years or less. If you reject the pending motion, you will learn and discuss about the barriers that our current system puts up for employees who would move from state teachers employment to private or local government jobs. And from these jobs to state teachers service.

But perhaps the most important consideration, for me, would be that we could discuss the issue about those employees of ours who are about to retire who also worked under the Social Security System, and who find that their Social Security is severely restricted. So if you reject the pending motion, we can discuss the Minority Report, which deals with these issues and much more. Mr. Speaker, I want to thank you for your time and I want to remind the Members to please vote against the pending Report. Thank you.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, I rise to urge you to vote for the motion that's on the floor. I certainly agree with the good Representative from Norway, Representative Winsor, that there are issues of portability, there are issues of recruitment and retention that we need to address in this state and I hope that at some point in the future, the Legislature will come back to this issue and there can be a study that has parameters that are different from those outlined in the study that produced this legislation.

Having said all of that, there are significant flaws in the legislation that's before us—proposed legislation—and one of the major flaws, one of the major problems, has to do with the fiscal note and I just would like to remind people that the cost for the outlying years is \$53 million; year after that \$52 million; \$50 million after that, as well as costs to local communities and local school boards. So, this is an issue that I hope we will look at again in the future, but the legislation that is before us now is not the solution. Thank you.

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

ROLL CALL NO. 483

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

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

ABSENT - Bates, Beavers, Bickford, Chace, Devin, Dion, Fredette, Gerrish, Goode, Herrick, Pouliot.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly 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 to Pass as Amended by Committee Amendment "A" (H-528)** on Resolve, To Study the Feasibility of a State Firefighter Training Facility

(H.P. 436) (L.D. 655)

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
WARREN of Hallowell

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

Signed:

Senator:

ROSEN of Hancock

Representative:

LONG of Sherman

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-528)** was **READ** by the Clerk and **ADOPTED**. The Resolve was assigned for **SECOND READING** Tuesday, March 8, 2016.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-529)** on Bill "An Act To Allow School Resource Officers To Have Jurisdiction at Off-site Events" (EMERGENCY)

(H.P. 1041) (L.D. 1516)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFISKY of Cumberland

Representatives:

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

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

Signed:

Representative:

LONG of Sherman

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" (H-529)** was **READ** by the Clerk and **ADOPTED**. The Bill was assigned for **SECOND READING** Tuesday, March 8, 2016.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work" (EMERGENCY)

(H.P. 1024) (L.D. 1501)

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-533)** 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.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The **SPEAKER**: 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. 484

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

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

ABSENT - Bates, Beavers, Bickford, Chace, Devin, Dion, Fredette, Gerrish, Goode, Herrick, Pouliot.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-531)** on Bill "An Act To Address and Mitigate the Effects of Marine Debris"

(H.P. 294) (L.D. 427)

Signed:

Senators:

BAKER of Sagadahoc
MIRAMANT of Knox

Representatives:

KUMIEGA of Deer Isle
ALLEY of Beals
BLUME of York
DEVIN of Newcastle
McCREIGHT of Harpswell

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

BATTLE of South Portland
HAWKE of Boothbay Harbor
PIERCE of Dresden
SAWICKI of Auburn
TUELL of East Machias

READ.

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

CONSENT CALENDAR

First Day

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

(S.P. 601) (L.D. 1540) Bill "An Act To Protect All Students in Elementary or Secondary Schools from Sexual Assault by School Officials" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-365)**

(H.P. 1073) (L.D. 1581) Resolve, Regarding Legislative Review of Portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a Late-filed Major Substantive Rule of the Maine Health Data Organization (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 900) (L.D. 1322) Bill "An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-539)**

(H.P. 1027) (L.D. 1504) Bill "An Act To Establish November 1st as Veterans in the Arts and Humanities Day" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-535)**

(H.P. 1056) (L.D. 1549) Bill "An Act To Amend the Laws Governing Oversight of and Responsibility for the Kim Wallace Adaptive Equipment Loan Program Fund" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-536)**

(H.P. 1063) (L.D. 1567) Bill "An Act To Amend the Laws Regarding the Operation of an All-terrain Vehicle or Snowmobile on a Controlled Access Highway" (EMERGENCY) Committee on

TRANSPORTATION reporting **Ought to Pass as Amended by Committee Amendment "A" (H-541)**

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

(S.P. 581) (L.D. 1483) Bill "An Act To Amend Maine's Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-367)**

On motion of Representative McLEAN of Gorham, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-367)** was **READ** by the Clerk.

Representative McLEAN of Gorham **PRESENTED House Amendment "A" (H-537) to Committee Amendment "A" (S-367)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-367) as Amended by House Amendment "A" (H-537) thereto was **ADOPTED**.

The Bill was assigned for **SECOND READING** Tuesday, March 8, 2016.

**CONSENT CALENDAR
Second Day**

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

(S.P. 82) (L.D. 213) Bill "An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody" (C. "A" S-362)

(S.P. 578) (L.D. 1480) Bill "An Act To Create and Sustain High-quality Maine Jobs" (C. "A" S-363)

(H.P. 531) (L.D. 778) Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 1074) (L.D. 1582) Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge

(H.P. 1080) (L.D. 1589) Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge

(H.P. 854) (L.D. 1254) Bill "An Act To Implement and Fund an Integrated Beach Management Program" (C. "A" H-532)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **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.

**BILLS IN THE SECOND READING
Senate in Non-Concurrence**

Bill "An Act To Strengthen Intragovernment Communication" (S.P. 611) (L.D. 1560)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the Senate Paper was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Promote Workforce Development

(S.P. 406) (L.D. 1137)

(C. "A" S-360)

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 and sent to the Senate.

Emergency Measure

An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation

(S.P. 607) (L.D. 1551)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

(S.P. 559) (L.D. 1457)

(C. "A" S-361)

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. 124 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.

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 1, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission"

(H.P. 1049) (L.D. 1538)

TABLED - March 1, 2016 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 8, 2016.

SENATE PAPERS

The following Joint Order: (S.P. 664)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 8, 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 Inland Fisheries and Wildlife

Pursuant to Joint Order

Report of the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act To Amend the Laws Relating to Endangered and Threatened Species"

(S.P. 663) (L.D. 1636)

Reporting that it be **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** pursuant to Joint Order 2016, S.P. 637.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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

On motion of Representative DAVITT of Hampden, the House adjourned at 12:27 p.m., until 10:00 a.m., Tuesday, March 8, 2016, pursuant to the Joint Order (S.P. 664) and in honor and lasting tribute to Gertrude MacDonald, of Hampden, Dr. Gerald E. Vermette, of Skowhegan and Margaret (Connolly) Lee Giles, of Portland.