

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
25th Legislative Day
Tuesday, March 22, 2016

The House met according to adjournment and was called to order by the Speaker.

Prayer by Chaplain (CPT) Earl Weigelt, Maine Army National Guard, Winslow.

Colors presented by The Maine National Guard Joint Honor Guard.

National Anthem by Technical Sergeant Joel T. Crowley, Windham.

Pledge of Allegiance.

At this point, a message came from the Senate borne by Senator MASON, of Androscoggin, of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of extending to Brigadier General Douglas A. Farnham, The Adjutant General of the Maine National Guard, an invitation to attend the Joint Convention and to make such communication as pleases him.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:45 in the morning and the Speaker appointed Representative McCABE of Skowhegan to convey this message to the Senate.

Doctor of the day, Kathleen Kotas, M.D., Bar Harbor.

The Journal of Thursday, March 17, 2016 was read and approved.

SENATE PAPERS

Bill "An Act To Promote Recruitment and Retention of State Employees"

(S.P. 680) (L.D. 1663)

Bill "An Act To Enable the State To Hire Qualified Applicants for Vital State Jobs"

(S.P. 681) (L.D. 1664)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 477)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

March 15, 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 Energy, Utilities and Technology from its

review and evaluation of the Maine Municipal and Rural Electrification Cooperative Agency under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Maine Municipal and Rural Electrification Cooperative Agency (MMRECA) has not yet exercised its statutory authorities under the enabling law and no funds have been expended by the agency. The committee further finds that there is value in maintaining the MMRECA as a vehicle for joint action among consumer-owned electric utilities. Based on these findings, the committee recommends that the law enabling the MMRECA be left in place to allow the agency to use the powers granted therein should the opportunity arise.

Sincerely,

S/Senator David Woodsome

Senate Chair

S/Representative Mark Dion

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 478)

**DEPARTMENT OF DEFENSE, VETERANS
AND EMERGENCY MANAGEMENT
33 STATE HOUSE STATION**

CAMP KEYES, AUGUSTA, MAINE 04333-0033

March 7, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

As the Commissioner of the Maine Department of Defense, Veterans and Emergency Management and the Adjutant General of the Maine National Guard, I accept your invitation to address the Joint Session of the 127th Maine Legislature on Tuesday, March 22, 2016 at 11:00 a.m.

Sincerely,

S/Brigadier General Douglas A. Farnham

Commissioner and Adjutant General

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 481)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine Arts Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center. Notwithstanding the concerns raised above, the Committee finds that the Maine Arts Commission is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative Victoria P. Kornfield

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 482)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine Historic Preservation Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center. Notwithstanding the concerns raised above, the Committee finds that the Maine Historic Preservation Commission is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative Victoria P. Kornfield

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 483)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine Historical Society under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies, including the Maine Historical Society. We were impressed with the enthusiasm these agencies bring to their work.

The Committee finds that the Maine Historical Society is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative Victoria P. Kornfield

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 484)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine Library Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee finds that the Maine State Library and the Maine Library Commission advocate the participation of libraries throughout the State in the Maine Schools and Libraries Network (MSLN), which offers broadband Internet access and network services in libraries to all members of the public. The MSLN works effectively because funding from the federal eRate program, as well as funds from the Maine Technology Education Access Fund (MTEAF) via the Public Utilities Commission, are

used to support broadband Internet access and network services in our public libraries.

We understand that Maine libraries did not have any financial responsibility for providing MSLN services until 2016, but now are assessed a fee to participate in MSLN because of budget reductions in the program. These reductions are due to diminishing MTEAF funds resulting from the decline in fees collected on traditional landline telephone services. The Committee recognizes the importance of MSLN and supports alternative funding models that recognize the decline in landline telephone-based fees to fund these services.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center. Notwithstanding the concerns raised above, the Committee finds that the Maine Library Commission is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative Victoria P. Kornfield

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 485)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine State Cultural Affairs Council under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting

visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center. Notwithstanding the concerns raised above, the Committee finds that the Maine State Cultural Affairs Council is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative Victoria P. Kornfield

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 486)

STATE OF MAINE

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine State Library under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee finds that the Maine State Library and the Maine Library Commission advocate the participation of libraries throughout the State in the Maine Schools and Libraries Network (MSLN), which offers broadband Internet access and network services in libraries to all members of the public. The MSLN works effectively because funding from the federal eRate program, as well as funds from the Maine Technology Education Access Fund (MTEAF) via the Public Utilities Commission, are used to support broadband Internet access and network services in our public libraries.

We understand that Maine libraries did not have any financial responsibility for providing MSLN services until 2016, but now are assessed a fee to participate in MSLN because of budget reductions in the program. These reductions are due to diminishing MTEAF funds resulting from the decline in fees collected on traditional landline telephone services. The Committee recognizes the importance of MSLN and supports alternative funding models that recognize the decline in landline telephone-based fees to fund these services.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center.

Notwithstanding the concerns raised above, the Committee finds that the Maine State Library is operating within its statutory authority.

Sincerely,
S/Senator Brian D. Langley
Senate Chair
S/Representative Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 487)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine State Museum under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center. Notwithstanding the concerns raised above, the Committee finds that the Maine State Museum is operating within its statutory authority.

Sincerely,
S/Senator Brian D. Langley
Senate Chair
S/Representative Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 488)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Maine State Museum Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center. Notwithstanding the concerns raised above, the Committee finds that the Maine State Museum Commission is operating within its statutory authority.

Sincerely,
S/Senator Brian D. Langley
Senate Chair
S/Representative Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 489)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

March 15, 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 Education and Cultural Affairs from its review and evaluation of the Office of the State Historian under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

During the Second Regular Session of the 127th Maine Legislature, the Education and Cultural Affairs Committee received GEA reports from all of the State's cultural affairs agencies. We were impressed with the enthusiasm these agencies bring to their work.

The Committee further finds that the Maine State Library, the Maine State Museum, the Maine Arts Commission and the Maine Historic Preservation Commission, including the Office of the State Historian, occupy buildings that are in need of significant deferred maintenance and, as a result, may not meet today's needs to serve the public and maintain collection materials. These agencies have expressed concern that these facilities may not be comfortable and safe for patrons and staff without continuous maintenance. Beyond the ability to meet current

needs, these agencies also shared their exciting visions for a new or transformed cultural building to enhance and expand services, as well as serve as a cultural and artistic center.

Notwithstanding the concerns raised above, the Committee finds that the Office of the State Historian is operating within its statutory authority.

Sincerely,

S/Senator Brian D. Langley

Senate Chair

S/Representative Victoria P. Kornfield

House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 479)

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

March 22, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On March 17, 2016

Bradley S. Moll of Yarmouth

Lisa L. Turner of Freeport

for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sharon A. Eggleston of Brunswick

for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Lois N. Skillings of Brunswick

for reappointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Gregory A. McNeal of Fairfield

for appointment to the Gambling Control Board.

Pursuant to Title 8, MRSA §1002, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Major Rene M. Cloutier of Cushing

Captain Michael S. Flanagan of Thomaston

Captain Eric P. Jergenson of Stockton Springs

Thomas F. Marx of Liberty

Almon D. Rivers of Searsport

Carla R. Scocchi of Penobscot

for appointment to the Board of Trustees, Maine School for Marine Science, Technology, Transportation and Engineering.

Pursuant Title 20-A MRSA §8234, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Andrew P. Charles of South Portland

Emery A. Deabay of Bucksport

for reappointment to the Workers' Compensation Board.

Pursuant to Title 39-A, MRSA §151, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

On March 18, 2016

Herbert L. Crosby of Orono

for appointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

David J. Barber of Cape Elizabeth

Brent M. Boyles of Presque Isle

for reappointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 480)

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

March 22, 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:"

Agriculture, Conservation and Forestry

L.D. 1595

Resolve, Authorizing the Reconveyance of Land and Authorizing the Sinclair Sanitary District To Lease Land for Telecommunications Purposes

Judiciary

L.D. 951

An Act To Restore Judicial Discretion in the Administration of Fines

Sincerely,

S/Robert B. Hunt

Clerk of House

READ and with accompanying papers ORDERED PLACED ON FILE.

Subsequently, Representative McCABE of Skowhegan reported that he had delivered the message with which he was charged.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes"

(H.P. 1137) (L.D. 1667)

Sponsored by Representative STETKIS of Canaan. (GOVERNOR'S BILL)

Cosponsored by Representatives: HANLEY of Pittston, KINNEY of Limington, LONG of Sherman.

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

**Pursuant to Statute
Maine Health Data Organization**

Representative GATTINE for the **Maine Health Data Organization** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 120: Release of Data to the Public, a Late-filed Major Substantive Rule of the Maine Health Data Organization (EMERGENCY)

(H.P. 1135) (L.D. 1665)

Be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute
Commission on Governmental Ethics and Election Practices**

Representative LUCHINI for the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Late-filed Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 1136) (L.D. 1666)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative TEPLER of Topsham, the following Joint Resolution: (H.P. 1134) (Cosponsored by Senator COLLINS of York and Representatives: ALLEY of Beals, FARRIN of Norridgewock, GOLDEN of Lewiston, KUMIEGA of Deer Isle, McCABE of Skowhegan, PIERCE of Dresden, RUSSELL of Portland, STETKIS of Canaan)

**JOINT RESOLUTION HONORING
THE MAINE NATIONAL GUARD
FOR ITS SERVICE TO THE NATION AND STATE**

WHEREAS, patriots from the District of Maine first mustered to form a militia to fight for the colonies in the Revolutionary War and for the nation during the War of 1812; and

WHEREAS, the Maine National Guard has proudly served the citizens of the State during natural disasters such as forest fires, floods and storms and has bravely defended the United States of America during times of war since Maine first entered the Union in 1820, and over the years the highest percentages of volunteers have been Maine people; and

WHEREAS, nearly 12,000 members of the Maine Army National Guard and the Maine Air National Guard have faithfully answered the call to duty in America's Global War on Terror; at times the State has had a larger percentage of personnel mobilized in support of that mission than any other state in the Union; and

WHEREAS, members of the Maine Army National Guard and the Maine Air National Guard continue to defend freedom and democracy around the globe, including in Iraq and Afghanistan, where they are playing a vital role in protecting the safety and security of all Americans; and

WHEREAS, the people of Maine have the utmost respect for the members of the Maine Army National Guard and the Maine Air National Guard for putting their lives in danger for the sake of the freedoms enjoyed by all Americans; and

WHEREAS, the people of Maine are appreciative of the countless personal and professional sacrifices that the active volunteers of the Maine Army National Guard and the Maine Air National Guard and their families have made in order to protect our freedoms; and

WHEREAS, since the tragic events of 9/11, countless Maine citizens have made sacrifices to serve and defend our country through the National Guard and to fight for our freedom, and 61 brave Maine citizens have answered the final call; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our solidarity with the men and women on active duty in the Maine Army National Guard and the Maine Air National Guard and their families; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Adjutant General of the Maine National Guard.

READ.

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

Representative **TEPLER:** Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, it is my privilege and my pleasure to welcome the Maine National Guard to the House and the other body to our joint convention today. I welcome Brigadier General Douglas Farnham and I want to also thank Chaplain Earl Weigelt, the Maine National Guard Joint Honor Guard for presenting the Colors, and Technical Sergeant Joel T. Crowley, who actually I've known since he was in high

school, for his rendition of the "Star Spangled Banner" this morning.

We appreciate the presence of the National Guard in our chambers today and recognize that they are here to communicate with us about their needs. Today, we have heard of a terrible attack in the country of Belgium, where terrorists have attacked both the airport and a subway station in cities of that country. It is on such occasions that we particularly think of our National Guard. We know that they're here to protect us and to defend our homeland. Today, I want to honor them and thank them and I feel safer knowing that they're standing on guard for me.

However, the men and women of this chamber and of our colleague in the other body have a duty beyond just thanking the National Guard for their presence. Some bills will be coming before us, which are the result of the Commission to Strengthen and Align the Services Provided to Maine Veterans, and I feel it is our duty to honor the National Guard by seeing that those bills move forward. Thank you for your attention and I look forward to hearing from the Brigadier General.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it certainly is an honor for me to speak very briefly today as a current Member of the Maine Air National Guard, where I serve as a Judge Advocate General for the 101st Air Refueling Wing. But I don't truly belong just to the Maine Air National Guard. I belong to the Maine Army National Guard and to the full brothers and sisters of our military, and of the true one percenters that fight, serve, and protect in this country.

And I'm reminded, on a cold January weekend at the very beginning of the year, when it's a Saturday morning and you'd like to sleep in bed on a Saturday morning and you get up in the morning instead at 6 o'clock, you put your uniform on, and you go to the base and you do your work and you go home that night. And the next morning on Sunday morning when you'd like to sleep in again, you get up in the morning, you put your uniform on and you do it again. And then I will only say that you do that on a July morning as well. When it's 90 degrees out, one of those few 90 degree days, and you put your uniform on when many Maine families are enjoying a special day at the beach, or maybe at the pool or going for a hike in the park. And our Maine women and men are getting up in the morning on that weekend and putting on the uniform to serve and protect our country.

And I will tell you this: every weekend that I go to drill weekend, we are preparing documents, wills, powers of attorneys for people that are deploying overseas that are still fighting the fight today that this war has not ended. And if you look at this Order—and often times we don't really read these Orders that are before us—but I want to read one of the paragraphs again because I think that it's important for us to understand. And it's the paragraph that reads: "WHEREAS, nearly 12,000 members of the Maine Army National Guard and the Maine Air National Guard have faithfully answered the call to duty in America's Global War on Terror; at times the State has had a larger percentage of personnel mobilized in support of that mission than any other state in the Union." That our Maine people, our Maine sons and daughters, have met the call to duty to fight and serve and protect and they do it every day—those that work every day in the National Guard and those that are the traditional guardsmen and women.

I look up in the balcony and I see a good friend of mine, Colonel Lynn, who I went to Officer Candidate School with, who now serves as a Colonel in the Maine Air National Guard. And I

also see many of my other brothers and sisters up there that I work with on every weekend and it's one of the proudest things that I do as well as serving in this chamber. And when Colonel Farnham comes in to speak here today, I look forward to his giving us a status of the National Guard, because while many of us go to work every day and think about the things that we need to do about getting the kids to the soccer field or getting that done or this done, we do have people that have met the call to duty. I truly respect and am ingratiated to the work that to the work that they do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Mr. Speaker, Ladies and Gentlemen of the House, I rise today to speak on our Joint Resolution honoring the men and women of our Maine National Guard. Many of you know I have a personal passion for these citizen soldiers and airmen. As a young man leaving the active duty Air Force in 1987, I joined the 101st Air Refueling Wing in Bangor. My intent was to finish my service obligation and put the military behind me. Within a short time, I found a second family that remains a part of my life to this very day.

I won't bore you with the details of my career, but I will tell you that no matter where we travelled, the "Maine-iacs" were always recognized for our work ethic and Yankee ingenuity. Back in the day, when belonging to the Guard meant drilling one weekend a month and two weeks a year, whether it was in France or Panama or Arizona or a multitude of other locations, we set the standard of excellence.

Then the horrific events of September 11, 2001 happened and it changed all of our lives. Do you know that one of the first aircraft on station over the burning wreckage of the World Trade Center was a KC-135 out of Bangor? And since that day, they've been fighting the fight, here at our home and around the globe.

So while I have a more personal relationship with the air side of the house, I am equally proud of our soldiers. The oldest unit in the Maine Army National Guard is the 133rd Engineering Battalion with an unbroken line of service from 1760 to this very day. Along with the other units that make up our Maine Army National Guard, they carry campaign honors from the American Revolution, War of 1812, Civil War, World War I, World War II, Iraq and Afghanistan.

The National Guard is the oldest military institution in America, founded in 1636. Today our neighbors, family, friends, and coworkers make up the 3,000 members of our Maine National Guard. These warriors stand ready to serve their communities. Many of you may have relied on them during the Ice Storm of 1998, or known someone who assisted in the aftermath of Hurricane Katrina, or responded to our neighbors in Vermont when they experienced severe flooding, along with many other domestic operations.

You see, these warriors raise their hands to protect and defend two constitutions. They have seen their role change from a strategic reserve to an operational component in our national defense strategy. They are the less than one percent who are willing to sacrifice their lives for the 99 percent and over the years, many brave Maine Guardsmen have made that ultimate sacrifice.

That is why I'm so passionate about these men and women and their families. That is why when I advocate for them, I don't care about the process or the way things are done in Augusta. A young man who was recently visited us down here was told, "Representative Farrin is new to the Legislature and doesn't understand." That my friends, that is a true statement. I don't understand why doing the right thing is so difficult.

I'll tell you what I do understand. I understand the sacrifice these men and women have made during the last 15 years of war. The strain that multiple deployments have put on their families, friends, coworkers, employers, and communities. Men and Women of the House, these soldiers and airmen of our National Guard look to us to care for them and their families. As our state militia, they are our responsibility. They deserve to be put above party politics. They deserve our gratitude, our unwavering support, and a pledge to protect them and their families. They deserve nothing less.

I will always be proud of my service and be known as a "Maine-iac." This old Chief feels safe knowing that the citizen soldiers and airmen, our hometown heroes, are always ready, always there. Thanks to each and every one of you.

Subsequently, the Joint Resolution was **ADOPTED**. Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Ellsworth High School Boys Swim Team on its winning for the first time the 2016 Penobscot Valley Conference Championship. The team broke 4 pool records, 5 league records and one state record and earned 7 gold medals. We extend our congratulations to the members of the team on their achievement and send our best wishes for continued success;

(HLS 1121)

Presented by Representative LUCHINI of Ellsworth.

Cosponsored by Senator LANGLEY of Hancock.

On **OBJECTION** of Representative LUCHINI of Ellsworth, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'm proud to take a quick minute to rise and recognize the accomplishments and fantastic season of the Ellsworth Eagles Boys Swim Team this year. This truly was a record-breaking season for our team. We have a really deep team this year; a lot of kids, many of whom have spent their lives swimming together either at the YMCA or through the school system.

As was read in the sentiment, Ellsworth won its first PVC Championship crown in February and then, a short time later, won the State Championship in the dominating performance, scoring 362 points in the process and winning by almost 100 points. The state meet was a lot of fun. The Ellsworth team took the lead from the opening event, the 200 yard relay, where they won and set a state record just to come out of the gates. It was a great achievement for the team of Talor Hamilton, Richie Matthews, Cooper Holmes, and Camden Holmes.

Overall in the meet, senior Talor Hamilton led the way and was named Performer of the Meet, winning two individual titles and two relays, and was also named the State Swimmer of the Year. Our coach at Ellsworth, who we're also proud of, Jim Goodman, was named the Class B Coach of the Year. And I can assure you that the entire City of Ellsworth is proud of this group's achievements. They've been doing the rounds and getting recognized everywhere. And we're especially proud of the way they've conducted themselves around the pool on the deck, and, you know, in the community. This particular group of kids have always represented the school and our town with the highest

degree of integrity and sportsmanship, and so we're really proud of their accomplishments and wish them our congratulations.

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

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

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Michael D. Thibodeau in the Chair.

The Convention was called to order by the Chair.

On motion by Senator MASON from Androscoggin, it was **ORDERED**, that a Committee be appointed to wait upon Brigadier General Douglas A. Farnham, Adjutant General of the Maine National Guard, to inform him that the two branches of the Legislature are in Convention assembled, ready to receive such communications as please him.

The Order was **READ** and **PASSED**.

The Chair appointed the following:

- The Senator from Kennebec, Senator Cyrway
- The Senator from York, Senator Collins
- The Senator from Oxford, Senator Patrick
- The Representative from Ellsworth, Representative Luchini
- The Representative from Waterville, Representative Longstaff
- The Representative from Presque Isle, Representative Saucier
- The Representative from Bangor, Representative Schneck
- The Representative from Lewiston, Representative Golden
- The Representative from Limington, Representative Kinney
- The Representative from Burlington, Representative Turner
- The Representative from Oxford, Representative Dillingham
- The Representative from Lincoln, Representative Hanington
- The Representative from Houlton Band of Maliseet Indians, Representative Bear

Subsequently, Senator **CYRWAY** from Kennebec, for the Committee, reported that the Adjutant General of the Maine National Guard would attend forthwith.

The Chair welcomed to the Convention Brigadier General Douglas A. Farnham, Adjutant General of the Maine National Guard.

The Chair recognized in the House Gallery the members of the Maine Army and Air National Guard as well as the Department of Defense, Veterans and Emergency Management. The Chair also recognized the wife of Brigadier General Farnham, the Honorable Nichi Farnham.

The Chair welcomed the Adjutant General of the Maine National Guard, Brigadier General Douglas A. Farnham, to please step forward and address the Joint Convention.

Adjutant General **FARNHAM**: Thank you. I hope the ovation I get at the end is even half of what my wife gets when she's introduced here. President Thibodeau, Speaker Eves, Members of the 127th Legislature and distinguished guests; thank you for

this invitation, opportunity, and honor. Fellow Airmen, Soldiers and department civilians, thank you for volunteering to be here this morning. Your hard work and dedication is the foundation for both these remarks and for any success that we will have in the future. I think the primary reason that I got this invitation today is due to the respect and understanding that this body has of the commitment, sacrifice, and an importance of what you do every day.

I have been in this position for just over 60 days. In my previous role as the 101st Wing Commander, I spoke often about the challenges, uncertainties, and opportunities in the context of people, mission and funding. These are pretty much consistent themes in my new role.

During the course of this address I will discuss the Bureau of Veterans Services, Maine Emergency Management Agency, and the Maine National Guard. I will also introduce several members of the Department to give them the extra recognition that they deserve. Almost twelve years ago, the Maine Bureau of Veterans Services had appointed a new director, a man with much experience in the military and in civilian sector. He took over a bureau coping with shrinking budgets, and a set of demands that were rapidly changing. He was charged with serving a population of veterans and their families which is the second largest in the nation by percentage, and ranges in age from those who served in World War II, Korea and Vietnam, to the younger veterans of our current wars; all with different needs and capabilities.

Assisted by his staff, he dove into this work, and for over a decade, Mr. Peter Ogden worked with a level of energy and commitment that many still find astonishing. He expanded our state veterans' cemetery system and made it one of the best in the country. He established a comprehensive program of recognition for all of our veterans and traveled from the biggest cities to the smallest towns to ensure these men and women receive the recognition and thanks that they have earned from all of us. After years of service to the State of Maine, Mr. Ogden retired last year. Please join me in recognizing Pete Ogden, who is in the gallery today.

If anyone can replace Pete, it's Adria Horn, the new Director of the Bureau. Many of you have already worked with her and know she is a tireless advocate for Maine Veterans. As a West Point graduate and a current Major in the US Army Reserves with five operational deployments, she is already successfully adapting the Bureau to work with the changing Veteran environment. We will continue to work with the Legislature to implement recommendations from the report of the Commission to Strengthen and Align the Services Provided to Maine Veterans, that was just released in January. There is no shortage of organizations trying to help Maine Veterans, but taking the time to analyze whether common goals are being met and identifying gaps in the services is important. Thank you to the co-chairs of the Commission, Senator Ron Collins and Representative Jared Golden, and all the members who participated in this process.

Mr. Bruce Fitzgerald leads the Maine Emergency Management Agency. They work diligently to ensure the state is focused on mitigation, preparedness, response and recovery in disaster situations with state and federal and county partners. Last winter MEMA coordinated the response to the January blizzards and the resulting Presidential disaster declarations in four counties. Unfortunately, Washington County which had the most significant challenges, was unable to receive FEMA assistance. MEMA continues to work with FEMA in a multi-state effort to reform their snow policy for future events.

Significantly, we have created a new cyber security coordinator at MEMA to work collaboratively with other agencies. MEMA, along with Maine Office of Information Technology, the Department of Education, Maine Center for Disease Control completed the Cyber Storm V exercise last week. Each agency learned important lessons and worked through scenarios of how they would respond to disruptions of their daily IT systems. MEMA, the Maine National Guard, Maine OIT, and the Maine State Police have been working together with other partners in and outside of government to develop cyber response plans, preparedness exercises, and awareness training. You can count today as part of your awareness training. Much more is needed in these areas, and we need all agencies, partners, and communities to be thinking and planning for their own cyber preparedness and recovery from disastrous events. Our agencies cannot take on the responsibility for all of government on our own, and the responsibility for cyber preparedness and awareness starts at each agency, with each employee. Governor LePage signed an Executive Order in 2014 requiring all Executive Branch employees to complete annual cyber awareness training. Basic cyber hygiene and training is critically important to protect our systems, both in the workplace and at home. Governor LePage has also directed OIT, MEMA and the Guard to work with all state departments and stakeholders to make sure Maine adopts best practices from public and private sector. In the coming years, Maine's progress in cybersecurity preparedness and disaster recovery capabilities will be critical.

Going forward the biggest challenges is the uncertainty revolving around federal Homeland Security grants to Maine. The President's 2017 budget could result in significant cuts which would affect several staff positions, as well as major training, exercise and preparedness programs at county and local levels. MEMA is already "one deep" in most positions, so normal staff turnover is challenging in itself given the responsibilities of this diverse Agency.

MEMA also has a retiring legend. Lynette Miller began work at MEMA on November 5, 1990, over twenty five years ago. She has been a fixture at the Agency through every kind of disaster event that has impacted Maine, notably the ice storm in 1998, several hurricanes, and numerous flooding and winter weather events. Lynette has also handled public communications, including creating and maintaining MEMA's website and electronic communication such as weather notifications. She coordinated the River Flow Advisory Commission before its formal creation by the Legislature in 1997. Lynette was our primary legislative liaison, speechwriter, and "big thinker." She was at times a teacher, mentor, coordinator, mediator, employee advocate, liaison to partner agencies, and historian. For many of us, she was the face and voice of MEMA. Lynette is also present today. Please join me in thanking Lynette Miller for her many years of faithful service to the state.

The Maine Air and Army National Guard have over 3,200 men and women serving across the state. But before I go any further, I'm going to recognize a few more individuals. Sergeant First Class Joshua Way of the 251st Engineer Company was credited with saving the life of 6-year-old Nathan Curtis on October 11th, 2015 by performing CPR on the unresponsive child. Rescue crews arrived 10 minutes after Josh's wife dialed 9-1-1. On October 26th, Master Sergeant Eric Curtis of the 265th Combat Communications Squadron, was there when a member of his gym experienced a heart attack and fell unconscious. Master Sergeant Curtis, using his Air Force CPR skills, led the other gym members in efforts to resuscitate by applying CPR and a defibrillator. The member's life was successfully sustained until emergency medical personnel could arrive and transport him to

the hospital where he received a quadruple bypass surgery and is alive today. Captain John Gates, Captain Don LaChapelle, Senior Master Sergeant Jeffrey Cook, Staff Sergeant Patrick McHugh, Senior Airman Peter Currier and Airman First Class Elijah Munn risked their lives in Etna, Maine, on December 5th. Their tenacious efforts successfully extricated an unconscious Maine Air National Guardsman from a burning vehicle after a crash on Interstate 95.

The outcome of these stories would have been much different if your Guardsmen were not present to assist. I know there are countless other stories of airmen and soldiers responding to the needs in their communities using skills, training and a propensity to help. Please join me in recognizing Sergeant First Class Way, Master Sergeant Curtis, Captain Gates, Captain LaChapelle, Senior Master Sergeant Cook, Senior Airman Currier, and Airman First Class Munn who are in attendance today.

The Maine Air National Guard is commanded by Brigadier General Gerry Bolduc, with Brigadier General John D'Errico, the Chief of Staff, Brigadier General Scott Young, Assistant Adjutant General, and State Command Chief, Chief Master Sergeant Bob Peer. We are very lucky to have the 265th Combat Communications Squadron and the 243rd Engineering Installation Squadron in South Portland as part of the Maine Air National Guard. Whether it is supporting federal agencies enhancing cyber operations and network infrastructure, deploying to Afghanistan to support communication capabilities, or a recent deployment to Bodo, Norway to provide Cyber capability to US Air Forces Europe during an exercise; these airmen are a great resource for both the nation and the state.

The 101st Air Refueling Wing in Bangor is the largest organization in the Maine Air National Guard with nearly 900 Airmen and 10 KC-135 aircraft. Led by Wing Commander, Colonel Adam Jenkins and Wing Command Chief, Chief Master Sergeant Dan Moore, the wing continues to deploy more airmen and aircraft than ever before. During calendar year 2015, 162 personnel operationally deployed for over 7,000 man-days and that number will be exceeded in 2016. Operational flying hours this year will be the highest the wing has ever recorded. Three years ago we thought the deployments were slowing down, but today we have 65 airmen and four airplanes deployed in theater. We have deployed consistently for the last fifteen years but this is the largest single deployment in theater we've ever had and we have been told not to expect to slow down. At home, the robust operational mission continues. Contingency Aircraft Support Operations on the ground processed over 780 aircraft, while our aircraft flew 1,500 hours of operational missions, and offloaded more than 15 million pounds of fuel.

Over 2,100 soldiers make up the Maine Army National Guard commanded by Brigadier General Tim Corbett, with Command Sergeant Major Scott Doyon as the Senior Enlisted leader and Chief Warrant Officer Five Darrell Stevens, the Command Chief Warrant Officer. Hooah. I apologize, I don't know if the context was right. I'm still working on my street cred with the Army guys. While deployments have slowed down, 44 percent of Maine's current Soldiers have deployed to Afghanistan or Iraq. Twelve percent have deployed more than once. The experience and readiness level of our soldiers are high.

The Maine Army National Guard completed construction on two major projects and facilities this past year: The Brunswick Armed Forces Reserve Center and the State Aviation Readiness Center in Bangor. Also, construction began on "Camp Chamberlain". Camp Chamberlain is projected to be completed in 2018 and will be the new home of Joint Force Head Quarters here in Augusta. These new facilities are incredible, both in meeting environmental standards and in design.

Budget reductions have significantly affected the Department of Defense in recent years. Nationally, the Army National Guard is reducing in size from 350,000 soldiers to 335,000 soldiers. Maine Army National Guard's share of this reduction will be around 100 positions over the next couple of years. I want to clarify that no one who is currently serving in these positions will have to leave. All of the soldiers will continue to be able to have a rewarding career in the Maine Army National Guard. While reducing force structure is never easy, this process has provided our organization the ability to modernize some of the critical capabilities. Through working with our partners at the National Guard Bureau, we were able to retain the 133rd Engineering Battalion, which has a proud history and lineage of service to the nation and state. An example of this modernization is the 152nd Component Repair Company, based in Augusta and Bangor, that will transition to become the 152nd Support Maintenance Company. This transition will downsize the unit in numbers, however it will provide a much more relevant mission set and modern equipment to best assist our state and nation. Through these reductions, we were able to maintain Maine Army Guard strength above 2,000 soldiers, ensuring that the Army and Air National Guard will have the right capabilities to assist the state whenever and wherever needed.

On December 2nd, 2015 the Maine National Guard congratulated the nation of Montenegro on their historic invitation to NATO. Montenegro's membership in NATO will contribute to Balkan and European security and stability and has national strategic level implications for this region. The State of Maine has been involved with Montenegro since 2007 under the National Guard's State Partnership Program. Through this program, the National Guard conducts military-to-military engagements in support of US defense security goals. Maine Airmen and Soldiers have been integral to the success and continue to help Montenegro create a modern military. I am excited that tomorrow a delegation from the Maine National Guard will be at the Library of Congress to help celebrate this NATO invitation. This is a big deal for Montenegro. But it's also a big deal for the Maine soldiers and airmen who will share that sense of accomplishment at an international level.

Many of you know that the Secretary of Defense announced that all branches of service and all occupational skills will be open to women. The Maine Army National Guard has two units that were previously closed to women, and we are pleased to say that we are recruiting into those positions. Interestingly, The Guard is celebrating International Women's History Month in March. Maine has been a trailblazer. The first ever female to serve in the National Guard from any state, was from Waterville, Maine. The year was 1956 and she served in New York. The first women to serve in the Maine National Guard were four nurses who joined the Maine Air National Guard later that same year. Yesterday, the Maine Air National Guard announced that Chief Master Sergeant Kelly Hoffses will be the next State Command Chief. A citizen airman, her civilian job is as a State of Maine employee with DHHS and she will be the first female state command chief in the history of the Maine Air National Guard.

The message that I like everyone to hear about the Maine National Guard really follows three themes. First, we are good at what we do. The MAINEiacs of the Air National Guard continued to build on the storied reputation by winning their 12th Air Force Outstanding Unit Award. This award is selected from active, guard and reserve units. The Maine Army Guard accepted the Army Reserve Environmental Stewardship Award for being the best in the nation. Every year we have a list of units and individuals that win awards or are recognized as standouts. Anecdotally, I seldom go anywhere without being approached

with a good news story about one of our soldiers or airmen that somebody has worked with while deployed or at home. We are good at what we do because we have great people who get up in the morning and want to do the right thing. We don't have a choice. It's the legacy and the heritage that has been passed to us, epitomized by General Joshua Chamberlain and the 20th Maine. You can be proud of your Maine National Guard.

The second theme is the future is bright. With tight federal budgets, living through sequestration, furloughs, the Budget Control Act, and a shrinking end strength of both the Army and the Air Force; you can't help but have a little uncertainty or even concern for the future. But I think the future is bright. While end strength, which is the total number of soldiers or airmen in uniform, has been steadily decreasing, both the Army and the Air Force are saying that they can't get any smaller. In the past two years both the Army and the Air Force have been the focus of mandated commission reports to look at the total force structure and policies that affect the integration of the active and reserve components. Active duty leadership has agreed with the vast majority of the findings and recommendations.

Even more importantly, in a period of budget challenges, relying on the National Guard is the absolute best value for America. For the Army Guard, beyond the ability to deploy and support combatant commanders, the relevance and focus on capabilities to support local and regional disasters or terrorism has been gaining focus and funding. For the Air Guard, the air refueling mission is in more demand than ever before; it's integral to almost every core function of the Air Force, and it's the perfect fit for our geography. For both the Air and Army Guard, the growing demand for cyber capabilities will continue to present opportunities. We were notified just last week of potentially gaining a new cyber team in the Army Guard.

Here is your takeaway: great people, great mission, and we get to do it all while living here in the great State of Maine. Uncertainty and challenges? Absolutely. But I wouldn't trade places with anyone. The future is bright.

The third theme is service. Every time I speak to airmen and soldiers, I thank them for their service. I know that they have a choice, and many don't make that choice or can't. Recruiting and retention is probably the most important strategic concern that I have. In order to provide a ready force for both the President and the Governor we need to recruit and retain to fill our manning authorizations. If we want to gain new missions, we have to have success recruiting, but it is getting more difficult. A recent study showed that 70 percent of the 17-24 year olds are ineligible for military service due to education, police record, drug use, physical standards and obesity. Just from 1995 to 2008 ineligibility from obesity went from 12 -21 percent of potential recruits. Kids are making poor choices. So now we are left with only 30 percent eligible and 97 percent of those choose not to serve in the military. That's the math that gets you to the 1 percent of the population that are wearing the uniform.

It is a challenge we all have to meet. Honoring and supporting veterans has an important role, as potential recruits see how their service will be appreciated. Positive, capable leadership plays an important role in providing an experience where the airmen and soldiers feel their service is valued and their mission relevant. But we have to get them through the door.

I want to thank Veterans and Legal Affairs Committee and the Legislature for passing LD 1343 last year and working to get it out of Appropriations. The tuition waiver for our airmen and soldiers is critical to our recruiting efforts. Maine is the only New England state that doesn't provide tuition assistance. I'm going to say that one more time: Maine is the only New England state that doesn't provide tuition assistance. As I've talked to

legislators, it is hard to imagine legislation that is more overwhelmingly supported. I am excited and optimistic now that there is an alternate plan for funding this program without a fiscal note. I would like to thank the University of Maine System and the Community College System for working to identify savings in the existing biennial budget that would allow this to be implemented this year without the need for a supplemental appropriation. It is a fact that we have lost existing National Guard members to other states. We all know the odds of these folks coming back to Maine is not good. This is important.

We need to appeal to the young adults who are eligible to serve and we need to decrease the number who are ineligible. We need to do more on childhood obesity and fitness; and give kids the incentive not to make bad choices on drugs, crime or leaving school. Not to over simplify the problem, but if the promise of tuition assistance can be the motivation to alter bad choices we may help solve more problems than just recruiting.

So when I thank someone for their service I am really thanking them for making good decisions along the way to be part of the 1 percent of the population who are both eligible to serve and make the choice to serve. Today's recruits have seen the videos of the falling towers on 9/11 for most of their lives. They joined a force that has been operationally focused and engaged for 25 years. They choose to put on the uniform where integrity, selfless service, honor, duty, sacrifice and excellence matters. Our Guardsmen have deployed, are deployed or will deploy putting stress on families, employers and coworkers; but they choose to serve. Thank them for their service.

I appreciate the opportunity to give you an update on the Bureau of Veterans Services, Maine Emergency Management Agency and the Maine National Guard. I hope you take away that we have a Department and National Guard full of talented people that are good at what they do, that have a bright future and have chosen to selflessly serve the State of Maine and nation. I am honored to serve as the 40th Adjutant General of the State of Maine. Thank you.

The Adjutant General withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chair declared the same dissolved.

The Senate then retired to its Chamber amid the applause of the House, the audience rising.

(After the Joint Convention)

The House was called to order by the Speaker.

REPORTS OF COMMITTEE Ought to Pass Pursuant to Statute

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales"

(H.P. 1138) (L.D. 1669)

Reporting **Ought to Pass** pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.
Report was **READ** and **ACCEPTED**. The Bill was **READ ONCE**.

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

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

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act Regarding Recovery of Emergency Response Costs Related to an OUI Offense"

(S.P. 335) (L.D. 944)

Signed:

Senators:

ROSEN of Hancock
GERZOFKY of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-390)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representative:

GERRISH of Lebanon

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-390)**.
READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-398)** on Resolve, To Establish the Commission To Continue the Study of Difficult-to-place Patients (EMERGENCY)

(S.P. 653) (L.D. 1615)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

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

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representative:

SANDERSON of Chelsea

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-398)**.
READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-398)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-398)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-577)** on Bill "An Act To Allow Terminally Ill Patients To Choose To Use Experimental Treatments"

(H.P. 138) (L.D. 180)

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

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

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

Signed:

Senators:

HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:

BURSTEIN of Lincolnville
HYMANSON of York
STUCKEY of Portland

READ.

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

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

Representative **HYMANSON**: Mr. Speaker, Men and Women of the House, I'd like to speak on behalf of this bill, LD 180. People should be able to decide for themselves what treatment they'll receive, especially when they're terminally ill. I tried to like this bill, but I will be voting against it. It is contrary to sound medical practice and patient safety. Despite my conviction that we should all choose what we feel is right for ourselves, I am voting against the bill because there is already a process that works called Compassionate Use and Expanded Access Process.

To use this bill, one would have to work intimately with a treating physician. So I spoke with several physicians who we, in Maine, count to be on the forefront of cardiology and cancer therapy, two specialties that may look for experimental therapies to help their patients. Both agreed that the existing process through the FDA, called Compassionate Use and Expanded Access Process, works. This was one physician who had a strong commitment to clinical research, has been in Maine for over 20 years, and has had many agents available on clinical trials prior to their FDA approval. He said that he's used this process to get access to drugs for patients who may benefit from them. He also said that phase one trials, which is what this bill would allow patients to use, involved 10-30 people with a dosage escalation that's slow, to find out what the highest dose is with the least side effects. These phase one drugs then go into phase two and three protocols.

But there is already existing process to release these drugs through the FDA compassionate care. Pharmaceutical companies do not have to release the drugs for use before there's been adequate information to demonstrate their safety and efficacy, despite this bill, and insurance companies do not pay the costs, which can be extraordinary for delivery, side effects, and hospital time. These physicians, who we trust in Maine, believe that the expanded access policies and programs provided by the FDA assured both patient safety and early access to drugs that are not routinely available.

So the title speaks to me, "An Act To Allow Terminally Ill Patients to Choose to Use Experimental Treatments," because it honors letting people decide what they want to do with their very own lives that are vulnerable and desperate time. People this ill are already working with a trusted physician and there is a process for them to use that allows for release of medications in development. I will be voting against this bill, despite the fact that I agree with the title. Thank you.

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

Representative **LONGSTAFF**: Thank you, Mr. Speaker, Women and Men of the House, I rise to speak in support of LD 180, An Act To Allow Terminally Ill Patients to Choose to Use Experimental Treatments. Several people asked me to consider sponsoring this legislation, which is popularly called, "Right-to-Try" legislation. I began to look into what this might mean for patients diagnosed with terminal illness, and decided that this

was legislation that I was willing to sponsor. I still think that it should be an option available to those who are terminally ill.

I've had more than six years' experience as a staff chaplain in a primary care hospital. I've seen a lot—way too many—I've seen a lot of patients at the end of their lives, either from illness or trauma. I've come to understand palliative care. I've come to understand compassionate use, and now to understand the right to try. Essentially, when doctors, nurses, physicians assistants, and others must tell a patient that he or she is terminally ill and there's nothing more that they can do. Where does this leave the patient? What are the patient's choices?

I'm not sure where I stand on the question of assisted suicide, sometimes called the "Right-to-die." When a patient is terminally ill, in pain, with little quality of life and little hope for the future, the right to die has seemed, to many people, a choice that should be available to the patient. As I say, I still don't know where I stand on this one.

But at the other end of the spectrum is the right to try. The right to try is the possibility that there may be a medication or a procedure not yet fully approved, only through phase one, which assures, to some degree, the safety of the medication. There may be a medication that could extend a patient's life, or even provide a cure. The hope may be a long shot, but if there is a reasonable possibility that the patient would benefit from the medication or the procedure, the patient should be free to choose to try that medication or procedure.

It seems to me that the other options, palliative care, compassionate use, lie between the extremes of the "right-to-try" and the "right-to-die," between hope and despair. And so, I have become convinced that there is no "one size fits all" choice that would be the right one for everyone facing terminal illness. When the medical professionals say, "There is nothing more that we can do," it seems to me that the patient's freedom of choice takes over from the full range of options available, and that this is preferable to limiting the patient's choices to a much narrower range of choices made by those who admit that they have done all that they can.

One final comment and then I'll sit down. We often hear that offering the right to try will raise false hopes, enticing patients to try medications and procedures that will bankrupt them and are unlikely to provide a cure or significant improvement. But there are times, even if they are few, when the hope for improvement actually occurs. At such times, I remember the day—and this came up earlier in the Adjutant General's conversation—when I realized that I have performed CPR more times than I can remember. Most of us, if we perform it once, remember it for the rest of our lives. It was a sobering moment to realize I'd done it more times than I could even remember. And then few of the people to whom I administered CPR survived. Only a small percentage survived. But for those times when the CPR I administered was successful, I can assure you that it made all of the times when I administered this aid, well worth the effort. Could that be the case with the Right-to-try? I think so. And so, I thank you. I hope that you will think carefully about this one, and join me in moving this bill toward enactment. Thank you very much.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I believed that I ran and got elected to come up here to help people, not to hurt them. I supported a woman's right to have an abortion, have a pill, or go to the doctor, and it was none of any politician's business what this woman did. I supported and voted for the gay rights when I was told it's going to cause law suits, this and that.

But who was I to turn around and take the rights away from another human being? I supported gay marriage because who am I to stand here and have any religion or any politician tell a person what's good for them and what's bad for them. I supported—I hate to use the word—suicide, but I supported assisted suicide. And I support this bill here today to let any human being that has the money or can get the money and they want to try something to help them, their pain or their suffering, I support it and I hope everybody in the House will support it with me. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker. Mr. Speaker, I also rise in support of the pending motion. I was a mandatory co-sponsor of this bill, otherwise known as the "Right-to-Try," alongside my friend and respected colleague, Representative Thomas Longstaff. That Representative Longstaff has a "D" after his name and I have an "R" after mine is irrelevant when considering this issue. In fact, the day that this bill was to be presented, Representative Longstaff was involved in a serious auto accident and I had the pleasure and the honor of presenting his testimony along with my own. You see, Mr. Speaker, this is a matter that affects all of our collective constituents. Mainers send us here to work together to forge a bipartisan approach to solving the state's problems and in this case it was easy. This bill doesn't recognize party or ideology.

Before I begin my testimony, however, I'd like to ask you to remember, I'd like to take a moment and let what's going on right now in your minds take a backseat and I want you to remember the past. I want you to think back to somebody that you've lost to illness; someone who meant a lot to you and somebody you loved. Do you remember when it became apparent that they were going to die? They had fought hard and it had taken a terrible physical toll, but they wanted to keep living. They wanted to keep trying. Now, imagine that same awful scene, someone you love very, very much right now—your mother or your father, your wife, your husband—imagine that it's your child. The physician looks at you and says, "I'm sorry. There's nothing more that I can do."

Now, for me, that was my dad. And it was also my childhood best friend. That scene has played out hundreds of times in this country every single day, and someday, in the not so distant future, it is likely to happen to each and every one of us. And if that happens in your future, I think every one of us would want to do almost anything to give us even the slimmest chance, a glimmer of hope. Mr. Speaker, as of today, in 24 states, that hope has been provided in the form of state legislation similar to the bill being brought before you here today. In 2014, Right-to-Try was passed in the State Legislatures of Colorado, Louisiana, Michigan, Missouri, and voters in Arizona adopted a Resolution to place the issue on the November ballot, where it was approved by nearly 80 percent of Arizonan's and then became law. And in 2015, Right-to-Try bills were passed in 19 additional states, including, Alabama, Arkansas, Florida, Illinois, Indiana, Minnesota, Mississippi, Montana, Nevada, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming. And legislation is pending, as we stand here today, in Alaska, California, Connecticut, Delaware, Georgia, Hawaii, Kansas, Massachusetts, and New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, West Virginia, and Wisconsin.

Mr. Speaker, all across this country, in red states and in blue states, Americans are agreeing any hope is better than the alternative no hope, which is inevitable when no treatments are made available for terminal patients. We agree that each of us

should be free to exercise a basic freedom and attempt to preserve our own life. The burdens imposed upon a terminal patient, Mr. Speaker, who fights to save his or her own life, is a violation of personal liberty. We should have the option of accessing investigational drugs, which have passed basic safety tests, provide there's a doctor's recommendation, there's some informed consent and the willingness of the manufacture of the medication to make such drugs available. Mr. Speaker, we should all have the right to try, but unlike the 24 states who have already passed this law, in Maine, our people do not possess that legal right.

Mr. Speaker, when I spoke of this bill in committee a year ago, I mentioned a special lady, Robin Greenlaw, who was fighting for her life. On each of your desks today, you'll find a copy of the portrait of her that I sketched for her family. Robin died last year after exhausting all available options. I stand before you here today and I ask you, regardless of party or ideology, to support this truly bipartisan legislation. Do it for those who we remember, like Robin, for whom this legislation comes too late. Do it for the Mainers and our own loved ones who will someday see their hopes dim. Give them hope. Give them the right to try.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I speak and I rise in opposition to this bill, not because I have any particular expertise on the matter, but I think we all live through this experience if we deal with dying parents and the like. There's no right or wrong answer on this issue, but I do want to make a couple comments that may help people.

I oppose this bill because there is in place, already, a protocol established by the FDA, which does allow for experimental treatments and which can be used in many circumstances. I fear that going beyond this leads to dangerous protocols, dangerous for the patient in that it makes their situation worse, can lead to great deaths since none of these, FDA approved or not, procedures are covered by insurance. So there are downsides. And finally, the downside is that in the final days of a person's life, there is much to be said for recognizing the situation for what it is and using that time to enable that person to live out their days as they deem most important.

Last summer, I read a book called, Being Mortal, which I recommend to everyone. Its subtitle is "Medicine and what Matters in the End," and it's written by a physician, a surgeon by training, but his real expertise came from caring from his father in his last days. And the point that he makes is that many times people are afraid to ask these questions of their loved ones and so people die without ever having been able to articulate what it is that they want to do in the last days or months of their lives. And I believe that that is the most important gift that you can give to a person. But, again, as I say, it's everyone's decision; not an easy one. Thank you.

Representative GATTINE of Westbrook **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: 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. 503

YEA - Austin, Babbidge, Bates, Battle, Beavers, Beck, Black, Blume, Brooks, Buckland, Campbell J, Chapman, Chenette,

Chipman, Corey, Crafts, Daughtry, DeChant, Devin, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gillway, Ginzler, Goode, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hobart, Hogan, Kinney J, Kornfield, Kumiega, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, Melaragno, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Russell, Rykerson, Sanderson, Saucier, Sawicki, Seavey, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - Beebe-Center, Bryant, Burstein, Cooper, Davitt, Dion, Doore, Frey, Gilbert, Golden, Grant, Hobbins, Hubbell, Hymanson, Jorgensen, Kruger, Lajoie, Martin J, McLean, Pierce T, Rotundo, Sanborn, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Welsh.

ABSENT - Alley, Bickford, Campbell R, Chace, Hilliard, Kinney M, Monaghan, Sherman, Theriault.

Yes, 114; No, 28; Absent, 9; Excused, 0.

114 having voted in the affirmative and 28 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-577) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-577)** and sent for concurrence.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-576)** on Bill "An Act To Encourage Maine Employers To Offer and Employees To Enroll in Disability Income Protection Plans in the Workplace"

(H.P. 1051) (L.D. 1542)

Signed:

Senators:

WHITTEMORE of Somerset
GRATWICK of Penobscot

Representatives:

BECK of Waterville
BROOKS of Lewiston
COOPER of Yarmouth
FOLEY of Wells
MORRISON of South Portland
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
TUCKER of Brunswick

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

Signed:

Senator:

BAKER of Sagadahoc

Representatives:

MELARAGNO of Auburn
WALLACE of Dexter

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-576) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-576)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Relating to the Creation of Public-private Facilities and Infrastructure"

(H.P. 884) (L.D. 1298)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-575)** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
HARRINGTON of Sanford
ORDWAY of Standish

READ.

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

Representative FREDETTE of Newport **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 Wales, Representative Greenwood.

Representative **GREENWOOD:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion and I'd like to draw your

attention to the Committee Amendment "A," which is the Minority Report because I believe it has merit. The only way to get to that Committee Amendment "A" is if we vote down the current motion on the floor.

The Bureau of General Services testified that they're not ready to accept the bill, but during the hearing, they asked for some minor amendments to the procurement procedures in which we have in Maine. The Committee Amendment would expand the description of what could be purchased cooperatively by the state and for other public entities. It adds the terms "goods" and "commodities" to the list of terms under the scope of purchasing authority of the Department of Administrative and Financial Services, BGS. The Amendment also expands what the Bureau must take into consideration when determining the best value bidder for any goods or services. Consistent with competitive bidding documents, it clarifies what they do in the event of a tie bid. So, I would ask for the Ought Not to Pass. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the Committee Amendment that the good Representative from Wales, Representative Greenwood, just alluded to is not only an amendment, it's a complete redraft of LD 1298. It even has a new title, "An Act To Update the Maine Procurement Laws." And I would point out that this was delivered in committee.

The SPEAKER: Would the Representative defer? So what is before us is the motion of Ought Not to Pass, not a Committee Amendment, not the Minority Report. So if the Member would refer only to the motion before us, which is the Ought Not to Pass.

The Chair reminded Representative MARTIN of Sinclair to confine his debate to the question before the House.

The SPEAKER: The Member may proceed.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, I would urge all Members of the House to follow my light and vote for the pending motion.

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. 504

YEA - Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, 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, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Mr. Speaker.

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

ABSENT - Alley, Bickford, Chace, Hilliard, Kinney M, Monaghan, Sherman, Theriault.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-564)** on Bill "An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel"

(H.P. 1079) (L.D. 1588)

Signed:

Senators:

LIBBY of Androscoggin
WILLETTE of Aroostook

Representatives:

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

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

Signed:

Senator:

WHITTEMORE of Somerset

Representatives:

MARTIN of Sinclair
GREENWOOD of Wales
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

READ.

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

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

Representative **SAUCIER**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the Maine woods product industry is facing its most critical challenges that have been seen in many decades. We have paper mills and biomass facilities closing, truckers being idled, and thousands of direct and indirect jobs being lost. As I speak here today, we have six more biomass facilities in trouble. Two are scheduled to close this month and four others are in danger of closing in 2017. To put this into perspective, we are talking about the loss of over three million tons of fiber and close to 1,200 rural Maine jobs. This also does not take into account the loss of economic value and production for loggers, landowners, pellet mills, saw mills, pulp and paper mills, biomass electric producers, equipment dealers, fuel dealers, banks, insurance, and many others. It's hard to clearly define a crisis, but in my estimation, we are definitely in one.

Currently, there are four pellet fuel producers in the state. All of them are facing a near perfect storm of low oil prices, high temperatures, and a strong US dollar against the Canadian dollar. All four are experiencing high inventories on hand and weak demand for their products. Many of these mills are working very limited hours and some have shut down entirely, laying off workers. At a time when we, as legislators, in cooperation with the University of Maine, the community colleges and the private sector are designing educational programs to train the future workforce in the woods product industry, we are also doing some things that are hurting the very industries that we are trying to save.

This very institution, less than a year ago, put a million dollars of taxpayer money into a training program with state funded educational institutions to train new workers on highly specialized forest harvesting equipment and up-to-date forest harvesting practices. A Major manufacturer of that specialized equipment even donated several pieces of machinery that cost over a half million dollars. This program was supported by you, Mr. Speaker, and the President of the Senate, and many legislators from both sides of the aisle of this great institution.

At a time when oil prices were very high, most post-secondary educational institutions started looking at alternative heating solutions to offset their high energy costs. They installed heat pumps, wood chip boilers, and wood pellet boilers. These alternative sources of heating were saving hundreds of thousands of dollars in heating costs, which obviously was also a saving in taxpayer dollars to our constituents and putting many more employees to work in the forest products industry.

Dana Doran, who is the Executive Director of the Professional Logging Contractors of Maine, testified on LD 1588 and stated that the Canadian dollar is extremely weak, trading at a 40 percent discount to the American dollar and it's having a devastating impact on the forest product industry in Maine. This has created a disincentive to purchase or manufacture goods here in Maine, and an incentive to do so north and east of Maine. We see this incentive impacting our pellet and wood chip industries specifically, and it appears that some state funded institutions are taking advantage of this. In our opinion, this does not support Maine jobs, our rural economy, or our manufacturers, and certainly not our educational programs. This is a dangerous precedent to set and not a policy that we should be following.

Colby College, which is a private institution of higher education in Waterville, burns biomass to create heat and electricity for its campus. Despite the incentive to purchase from Canada, Colby has chosen to do the right thing and purchase its biomass from local logging contractors. We support this decision because of its impact on our members and the fact that they are supporting Maine forests and local jobs. We would hope that our public institutions would follow the lead and do the same.

Since the date of this public hearing on LD 1588, the northern Maine business who has a contract with the University of Maine System, has purchased 100 percent of their wood pellets from Canada. My take on this is when the Canadian dollar climbs back to US parity, with the US dollar, and our wood pellet mills in Maine are out of business, where will the University of Maine purchase their pellets then? In a meeting that the PLC Board had with the Chief Executive this month, he went on record to declare that he would like his administration to start looking at ways that state facilities can start using biomass for heating, electricity, and cogeneration. We were very encouraged to hear this statement and believe it sends the right message to the state facilities, which are funded by state taxpayer dollars, and will have the potential to be heated and electrified with the use of locally sourced fuel. No other energy source in Maine has a

greater economic impact than that which is derived from the wood fiber, and we support this philosophy wholeheartedly.

In closing, Mr. Speaker, millions of taxpayer dollars flow through the University of Maine and Maine community college campuses every year. The intent of this bill is to require that they give preference be given to Maine producers of heating fuel, mainly wood chips and wood pellets, instead of outsourcing to out of state and Canada. Why would we bite the very hand that feeds us? These workers are being laid off are some of the very same workers that the campuses train for these professions. They are the very same workers that they pay taxes to fund these taxpayer funded institutions. It would seem logical that post-secondary educational institutions would be part of the solution to keep our forest products industry viable and not be part of the problem. I would like to hope that everybody would follow my light and support the woods products industry and vote green. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan **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: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you again, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion, and it was apparent during the public hearing and the work session that this bill was brought on by a situation that, I believe, has already been resolved.

And let me share with you some testimony that was given by the University of Maine, Chip Gavin, the Chief Facilities Management and General Services Officer, at the University of Maine. He agreed that the bill was well-intentioned, and he understands and supports the goal of supporting Maine businesses. However, he went further and said, "Making this goal a statutory requirement risks requiring the university to increase costs—costs which will ultimately be born by students, families, and the Maine taxpayers."

The University already has the intention of carrying out the thrust of the bill without the requirement to do so, without potential, unintended consequences. The University of Maine System will be giving preference, not only to firms with a general Maine economic impact, but specifically to those using wood fuel sources with a Maine economic impact. This will start with a solicitation of the plan for this spring. I will remind everybody spring started yesterday. This is well under way. The University System also intends to recognize and give preference to the forest certifications most common in Maine, further advantaging Maine-sourced fuel. All of these steps already are permissible under the law and are, in fact, keeping with the executive orders regarding forest certification, and preferences for firms that have a Maine economic impact. Also, he respectfully asks that the bill's objective can and will be accomplished without this bill and the risk of the unintended consequences and it will probably occur before this bill has completed the legislative process. Thank you.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just want to echo the comments of the prior speaker that I believe that this is an issue that has already been addressed properly through the University of Maine System. And so, I certainly don't want our vote to be interpreted in any way as not supporting the woods

forest industry. As we are aware, there are multiple issues in regards to biomass that we're dealing with in the Energy Committee and whatnot. We continue to support those efforts and we continue to support the forest products industry.

What we don't support is overregulation. One of the issues in previous sessions that we tried to deal with is how do we make Maine to be a better place to do business? And, I think what this bill, again, I think has the potential of doing is hamstringing the university and our community colleges in terms of how they can reduce cost overall. Obviously we want to support our Maine folks, our Maine producers, our biomass industry. We will continue to do that.

However, I think that this is a bill that is not needed. The issue has been addressed. And at the same time, what we don't want to do is add an additional layer of regulation by law on our agencies so that we can continue to be less competitive. So, I will not be supporting the motion. That should not be interpreted as a vote not supporting the biomass industry. Thank you, Mr. Speaker.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, I'm not a big fan of subsidies, as probably most of you know. But that being said, I received an email yesterday, or day before yesterday, from someone up north who had indicated that the University of Maine at Fort Kent had purchased all of their wood pellets from Canada, from the Canadian side. We are fighting the survival of business in the State of Maine. So, I'd like a clarification, I'd like to hear the bill as written, read. But if it's doing what I think it's doing, and that is to provide some relief for biomass, for the pellets, and keeping business in Maine, I think I'm going to support it if what I think I understand, I truly do understand. So I'd like to hear the bill, if I may. Thank you.

The SPEAKER: The Chair would clarify that the Representative is requesting that the entire bill be read.

Representative **DUNPHY**: No, sir. A summary will do fine. But if there are changes to the original bill, I'd like to hear what the amendment says and just a summary please.

Representative **DUNPHY** of Embden **REQUESTED** that the Clerk **READ** the Bill.

The Clerk **READ** the Bill in its entirety.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, I think I can shed some light on the topic of what's being discussed. As a result of this legislation, two entities have been brought into it and I'd like to give you the quick background. When the University of Maine went into the businesses of trying to produce heat using pellets, the University of Maine System central office put out a contract. And the contract requested, basically, that there be two sources of income for those pellets, so that in the event that the first source was not available, there'll be an alternate source. That contract was negotiated by the University of Maine System and it required, basically, that second source and that second source became coming out of Canada, because that was the only available source at the time. That was the beginning of how we got to that situation.

As we move along in that process, what evolved was that in the initial contract that was made with the initial supplier, he was not capable of producing the product to the sufficient needs of the University of Maine at Fort Kent. Now the problem that I have is that what came to light brought forth a contract which the University of Maine System negotiated with a company in Fort Kent, which was to become the supplier. The University of Maine

at Fort Kent was not the contractor, it was a company called Daigle Oil. Daigle Oil has offices in Fort Kent, Madawaska, Ashland, Houlton, Presque Isle, etc. And part of that requirement was they had to fulfill that contract to the University of Maine System.

The net impact of this legislation has created a very negative impact from their point of view. This company, privately owned, two years ago decided that they didn't want to sell out to someone else, so they became an employee-vested company in its entirety. That's who now owns Daigle Oil of Fort Kent—no longer the family. And so they got caught in this windmill—talking about power—of opposition to what was going on. The legislation before you and me today accomplishes absolutely nothing because it says it shall give "preference." Preference, how, because obviously it couldn't be written any other way, because we'd be in violation of the commerce clause. So, let's be honest about this.

This is nothing more than a slap at a company doing business in Maine who's trying to survive by getting a contract with the University of Maine System. And, as a result of it, the University of Maine at Fort Kent got caught right in the middle of it with the attacks being made and any given night watching WAGM television, you can see it occur almost every night. That's unfortunate, but that's what's happened. And so I urge you to vote against this legislation. One, it won't do anything, and number two, it's an insult to the people who produce the products.

The SPEAKER: The Chair recognizes the Representative from Washburn, Representative White.

Representative **WHITE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I actually didn't anticipate rising and speaking on this topic, but I think it's just important to put some numbers with what we're actually debating here. So, this year, as of 3/15, the University of Maine Fort Kent has purchased 838 tons of pellets; 732 of them have come from Canada. And I also feel it's noteworthy that since this bill has actually gone before committee, University of Maine Fort Kent has actually not made a single transaction with a Maine-made pellet supplier. Thank you, Mr. Speaker.

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

Representative **DUNPHY**: I apologize, Mr. Speaker, I must've fallen asleep and hit the button. Sorry.

The SPEAKER: 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. 505

YEA - Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chenette, Chipman, Cooper, Daughtry, Devin, Doore, Duchesne, Dunphy M, Edgecomb, Evangelos, Fecteau, Gattine, Gideon, Golden, Goode, Guerin, Hamann, Harlow, Herbig, Hickman, Hubbell, Kornfield, Kumiega, Longstaff, Luchini, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Moonen, Morrison, Nadeau, Picchiotti, Powers, Rotundo, Russell, Rykerson, Saucier, Schneck, Short, Stuckey, Tepler, Tipping-Spitz, Verow, Ward, Warren, White, Mr. Speaker.

NAY - Austin, Battle, Black, Buckland, Campbell R, Chapman, Corey, Crafts, Davitt, DeChant, Dillingham, Dion, Dunphy L, Espling, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gerrish, Gilbert, Gillway, Ginzler, Grant, Greenwood, Grohman, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hobart, Hobbins, Hogan, Hymanson, Jorgensen, Kinney J, Kruger, Lajoie, Lockman, Long, Lyford, Maker, Malaby,

Marean, Martin J, Martin R, McClellan, Nutting, O'Connor, Ordway, Parry, Peterson, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sanborn, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Welsh, Winsor, Wood.

ABSENT - Alley, Bickford, Chace, Hilliard, Kinney M, Monaghan, Sherman, Theriault.

Yes, 60; No, 83; Absent, 8; Excused, 0.

60 having voted in the affirmative and 83 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative MARTIN of Eagle Lake, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act Regarding Consent to Land Transfers to the Federal Government"

(H.P. 1091) (L.D. 1600)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-571)** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-567)** on Bill "An Act To Eliminate the Maine Estate Tax"

(H.P. 1101) (L.D. 1622)

Signed:

Senators:

McCORMICK of Kennebec

DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn

CHACE of Durham

SEAVEY of Kennebunkport

SKOLFIELD of Weld

SUKEFORTH of Appleton

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor

MOONEN of Portland

RUSSELL of Portland

STANLEY of Medway

TEPLER of Topsham

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, Men and Women of the House, I urge you to defeat this motion so that we may, in fact, pass this bill. This legislation is good tax policy for the state. Our state needs to have a tax policy that is competitive with other states and not punitive to the taxpayers who live and die here. We must focus on long-term consequences of our taxes and how they shape taxpayer behavior, from where they spend money to even where they live. It is shortsighted to focus on just the income revenue of the short term.

The estate tax penalizes individuals for being successful and taxes assets that have already been taxed when earned. In some cases, they have already been subject to a previous estate tax, when inherited from a prior decedent. The estate tax can even slow business activity because a descendant's heirs will have less to invest in the community. The estate tax is especially harmful to small businesses and farms because it forces owners and heirs to deplete working capital to pay the taxes, and in some cases to actually sell the entire business or the farm to pay the death tax. It is a time consuming tax and much difficult to collect because many times these things wind up in many court challenges because of the valuation of assets.

Specifically, this bill would eliminate Maine's estate tax for deaths occurring after January 1, 2017. For estates subject to the estate tax as a result of deaths occurring this year, in 2016, the tax is expected to collect about \$14 million from about 60 estates. But, with the repeal of the estate tax delayed until 2017, any financial impact will not be felt until the next biennium, ensuring that the appropriations and expenditures occurring in the two year budget are not affected by the proposed change. Come 2017, next year, the Chief Executive will propose a new biennial budget for Fiscal Years '18 and '19, using information from a revenue forecast that recognizes the estate tax will cease to exist.

The elimination of the estate tax is an accomplishment that both Republicans and Democrats can be proud of. Maine's small

and family-owned businesses are already conscientious at paying the taxes they owe. When an individual passes away without having made arrangements to otherwise dispose of their savings, their survivors are often burdened with having to retain an estate tax expert to navigate the complex aspect of the law. As you well know, individuals and families are more mobile today than ever before. Those that have done their estate planning know that they can avoid taxation of their non-fixed assets by simply spending six months and a day in a state with no death tax, and there are 32 of those taxes and more and more states are eliminating this onerous burden. While Florida makes a great vacation destination for the colder months, Maine residents and retirees do not need to spend more than half a year away from their homes and change their state of residency just to escape our winter or our taxes. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **CAMPBELL**: First of all, how much is this going to cost the state in revenue? And the second question is how are they going to make it up and who's going to suffer by it? Thank you.

The SPEAKER: The Representative from Newfield, Representative Campbell, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker, I rise to answer the Representative from Newfield's questions. In the future biennium, this will cost approximately \$14 million a year. That's what the fiscal note from Maine Revenue Services stated. We didn't get an explanation of what would change in the future budgets based on this. My guess is that to cover \$14 million a year, the state would raise taxes or cut services.

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

Representative **TEPLER**: Thank you, Mr. Speaker, Men and Women of the House, I would like to speak for a minute about the issue of the movement of taxpayers from one tax paying region to another, which is the reason that has overall been given to us about why we should support the elimination of the estate tax. In New England, only one state has eliminated the estate tax and that is New Hampshire.

Looking at census.gov's reports of interstate movement, one can see that in 2014, 55 more people moved from New Hampshire to Maine, than moved from Maine to New Hampshire. So, and that is actually a statistically insignificant number. So, it is not at all clear that taxpayer movement is based on the existence or lack of existence of an estate tax from one state to another.

In addition, in addressing the issue of farms and small businesses in the State of Maine being subject to this estate tax, right now the estate tax in Maine is at \$5.5 million. Generally speaking, businesses and farms are valued for estate tax purposes at their current use value. That is not their value as a developable piece of land for farmland, or their value as a growing business, but rather their current value. So, very, very, few farms and businesses in the state would ever be impacted by the estate tax. In fact, in information that we received in work session, I believe that there are only 20 farms and businesses nationwide that were affected by the estate tax in 2013.

In addition, this is one of our most exportable taxes. We talk a lot about using people from other states to help us cover the burdens that Maine taxpayers pay. In past years, we found

nearly 50 percent of the people paying the estate tax in Maine were people whose estates were out of state. They were paying the estate tax on their large vacation homes that they own in places on the coast of Maine. In eliminating this tax, we eliminate our ability to export 50 percent of this tax burden. Thank you very much.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of the pending motion. \$14 million may seem like chump change to elected officials, but I think out in the real world, that's a significant amount of money and people are rightfully asking, "Where will that money come from?"

Currently, we have one of the worst opioid crises that we've ever seen in history. I would like to make sure that we're actually providing beds for people in-state. We're not going to be able to do that—we're not even going to be able to move to do that—if we continue to cut the taxes that are coming in. Again, as we just heard, 50 percent coming in from people who don't even live here. I would like to make sure that we're able to provide services and beds here, in-state, and right now, not only are we exporting the tax, we're exporting our people in terms of being able to get them treatment.

Right now, our education system is floundering because we continue to cut K-12 education. Now, I don't know about you, but I got a good Maine education growing up in my elementary school, in my middle school, and my high school. And then I went on to get a good Maine education at our University System. Right now I can't say that the people that are coming in behind me are going to have the same opportunity. \$14 million to help make sure that our young people have a future is a good investment as far as I'm concerned.

Right now we could use more veteran services officers across the state. VSO's, as they're known, actually spend time working directly one-on-one with our veterans to make sure that they can get the earned benefits that they have earned through their service. Those benefits actually provide a net benefit to Maine too, because not only are those folks getting benefits, they're getting health care, they're getting pensions. But that's an ongoing permanent investment and those individuals, from the federal government, and those people are going to spend that discretionary revenue right here in Maine.

Do I think that maybe some people at the top, or the folks that are worried about their farms, have a very valid question about how they're going to pass that on to the next generation? Absolutely. That's why the Tax Committee actually worked on this issue last year and the Legislature as a whole did make some inroads in that. I think that there's a more prescriptive path to dealing with that issue through carve outs and through targeted investments. I am not willing to give up, though, \$14 million a year when we have people who are suffering and dying—my friends included—of opioid addiction, when we have kids that need to get educated, and when we have veterans that need access to services. I will be voting for the pending motion and I hope you'll follow my light.

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

Representative **GROHMAN**: Thank you, Mr. Speaker, Women and Men of the House, a couple of points about this. I certainly commend the efforts of the Executive to position Maine as a business-friendly state, but I come out differently on this one. We recently moved to increase the estate tax exemption to \$5.5 million. That is federal conformity and I would also point out that married couples, now including very wonderfully and

fortunately gay couples, can qualify for \$11 million. So there is an \$11 million exemption for federal, which is in conformity with the federal law. There does remain an issue of portability, which is kind of a nuance that I hope the next Legislature can take on, if one spouse has more assets than the other. But, I do support full conformity here and support the pending motion. Thanks.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker, Members of the House, I rise in support of a bill to eliminate the Maine estate tax. And I also would like to point out that for those families in Maine who have estates, and many of them are Mainers, they're not just people from away with big houses on the coast. These are families who've had farms in their family for generations, large tracts of land, small businesses that become medium sized businesses. And in order for these Mainers to develop an estate, they've had to create capital through their life and that capital has already been taxed through payroll taxes and capital gains taxes. So the estate tax represents almost a triple taxation on the capital produced by Mainers and I would like to urge the Members of this House to vote against, or to eliminate, the Maine estate tax. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, in answer to the questions about affordability and whether we're going to cut spending or raise taxes, I think Members of the body might be interested to know that during the last two meetings of the Maine Revenue Forecasting Committee, they had projected an increase in general fund revenue for fiscal year '18 by about \$26 million. So, I think it is something we can afford to do and should do.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, just wanted to raise a couple points during this debate. It is true that the next budget's fiscal note was a \$14 million fiscal note for these estate tax changes. And, you know, I was listening to the Representative from Auburn's comments about, kind of, the Maine families that are impacted by this and I was thinking who that would be. This bill makes it so estates that are larger than \$5.5 million would not pay the estate tax.

Information the committee got was that that is 60 families in Maine. They would be the 60 wealthiest families that pass away in Maine each year. Every year, on average, there are 13,000 estates that go through the estate tax in Maine, so if we made this change, it would make it so of those 13,000 estates, the top one-half of one percent of estates would not have to pay the estate tax. So those would be the people that you would be helping if you were to vote against this motion.

Of those 60 wealthy families, half of them live out of state and so 30 people would be out-of-staters who have major assets in Maine that we would be helping out. And I think in terms of priorities, you know, Mr. Speaker, we know that a quarter of children in Maine go to school hungry every day. We know that seniors struggle with poverty. We know that every year we fail to meet our obligations to fully fund public education. And I think that, for myself, in supporting the Ought Not to Pass motion, it was based on the fact that \$14 million costs that would help the 60 wealthiest families in Maine each year, half of which are out-of-staters who live out of state, that represent one half of one percent of the wealthiest people who pay the estate tax. You know, it just didn't seem like where my priorities lie. It didn't seem where my constituents' priorities would lie. And I don't see how there would be a scenario where taxes wouldn't be raised or

investments that the state makes wouldn't be cut if we pass this. So I appreciate your time, Mr. Speaker, and thank you for listening.

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

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, how many times does one family need to be taxed? I have a family that for 200 years has farmed the same land. And over the 200 years, we have done fairly well. I don't deny that. We've worked hard, we work lots of hours. And today, the way the Maine law is written, my family would be alright. But we own a few thousand acres of land and if the value grows in the future because Maine's economy grows, the value of our land will grow. And I don't know what's going to happen two years from now, or three years from now, or ten years from now when my grandchildren, hopefully, come along to take over this farm so it stays in our family for another hundred years.

People, Ladies and Gentlemen, I ask you to support the bill, to eliminate the estate tax in the State of Maine. Let's follow the majority, I believe, or the rest of the country. It's the right thing to do. My relatives have paid this tax. I don't want them to pay it in the future. I won't have to pay it when my dad dies because we have found a way to divide the farm up. And all you're doing is forcing people to hire good lawyers, good accountants, to circumvent the law. And most people that are running a business today are doing that. But if you let people run, and we got government out of their life, we could create a better Maine. So I ask you to please vote for this bill not to pass.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in the eight years that I have been here, I've received hundreds, probably thousands of calls, emails, letters, communications urging me what to do and what not to do. And in all that time, not once, not once have I heard from any of the 60 or so affected families urging me, insisting, that I support the elimination of the estate tax. That leads me to believe, Mr. Speaker, that those folks understand that they have resources and they can make a small portion of them available to the state that they live in and love so that we can continue to assure that we can struggle as best we can to make Maine be the way it should be, the way life should be. And I think their silence on this issue is deafening. Thank you, Mr. Speaker.

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

ROLL CALL NO. 506

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

NAY - Austin, Battle, Black, Buckland, Campbell R, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin,

Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hobart, Kinney J, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Alley, Bickford, Chace, Hickman, Hilliard, Kinney M, Monaghan, Sherman, Theriault.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 voted in the negative, with 9 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-568)** on Bill "An Act To Increase Fairness in Campaign Financing"

(H.P. 623) (L.D. 904)

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
TURNER of Burlington

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

Signed:

Representative:

DILLINGHAM of Oxford

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-568)** Report.

READ.

Representative LUCHINI of Ellsworth 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.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act Regarding the Distribution and Off-site Storage of Spirits by Licensed Reselling Agents"

(H.P. 1031) (L.D. 1508)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
KINNEY of Limington
LONGSTAFF of Waterville
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-570)** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

DILLINGHAM of Oxford
HANINGTON of Lincoln
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
TURNER of Burlington

READ.

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

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

Nine Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "E" (H-580)** on Bill "An Act To Provide Income Tax Relief by Expanding Gaming Opportunities"

(H.P. 876) (L.D. 1280)

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
TURNER of Burlington

Three Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

DILLINGHAM of Oxford
GOLDEN of Lewiston
SCHNECK of Bangor

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "F" (H-581)** on same Bill.

Signed:
Representative:
LUCINI of Ellsworth

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "E" (H-580)**.

READ.

On motion of Representative LUCINI of Ellsworth, **TABLED** pending **ACCEPTANCE** of any 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. 608) (L.D. 1553) Bill "An Act To Improve the Workers' Compensation System" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-399)**

(S.P. 634) (L.D. 1587) Bill "An Act Regarding the Educational Opportunity Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-397)**

(H.P. 1097) (L.D. 1609) Bill "An Act To Designate the Maine Lobster as the State Crustacean" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 652) (L.D. 949) Bill "An Act To Enact the Recommendations of the Commission on Independent Living and Disability" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-578)**

(H.P. 1015) (L.D. 1492) Bill "An Act To Amend the Laws Governing Education Standards in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-579)**

(H.P. 1083) (L.D. 1593) Bill "An Act To Establish a Contingency Wildlife Management Plan" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-573)**

(H.P. 1112) (L.D. 1635) Bill "An Act Authorizing the Deorganization of Oxbow Plantation" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-572)**

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

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

(H.P. 1093) (L.D. 1602) Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing a Pilot Project To Inform the Development of a Long-term Transportation Policy To Assist Veterans Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-574)**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(H.P. 1098) (L.D. 1610) Bill "An Act To Clarify the Laws Governing Certain Benefits Provided to Veterans and Military Service Members" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-583)**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(H.P. 1099) (L.D. 1611) 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" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-582)**

On motion of Representative McCABE of Skowhegan, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

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

ENACTORS
Emergency Measure

An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Fuel Used in Commercial Farming, Fishing and Forestry

(S.P. 579) (L.D. 1481)
(C. "A" S-385)

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. 130 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 Technical Changes to the Laws Governing Child Support

(S.P. 614) (L.D. 1562)
(C. "A" S-395)

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. 118 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.

Acts

An Act To Clarify Expenditures Regarding Androscoggin County

(H.P. 1012) (L.D. 1489)
(C. "A" H-551)

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.

Resolves

Resolve, To Increase Access to Opiate Addiction Treatment in Maine

(S.P. 571) (L.D. 1473)
(C. "A" S-392)

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

An Act To Clarify the Use of Student Data from the Statewide Assessment Test

(H.P. 1000) (L.D. 1459)
(C. "A" H-553)

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

On motion of Representative McCABE of Skowhegan, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 507

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

NAY - NONE.

ABSENT - Alley, Bickford, Chace, Hilliard, Kinney M, Monaghan, Sherman, Theriault, Wadsworth.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Bill was

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:

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 17, 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 pursuant to Joint Order 2016, H.P. 1113** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes"

(H.P. 1130) (L.D. 1659)

TABLED - March 17, 2016 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**.

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

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-526)** - Minority (5) **Ought Not to Pass** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

(H.P. 532) (L.D. 783)

TABLED - March 1, 2016 (Till Later Today) by Representative HICKMAN of Winthrop.

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

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

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I stand before you in strong support of the current motion to pass as amended, LD 783, "A Resolution Proposing An Amendment to the Constitution of Maine to Establish a Right to Food." When I first became a Member of this body, I never thought I would present a Resolution to amend the Constitution. I see the document as a sacred one, which outlines the moral underpinnings of our society and sets forth the bylaws that undergird the foundation of our democratic republic. But our Constitution is a living and breathing document that has been amended 28 times since 1820. And so I stand before you today asking that we send a Resolution to the people to make our sacred document an even stronger protection of individual rights regarding the most vital of issues.

As food lawyer, Peter Hutt, states, quote, "The constitutional authority of the government to determine the food that can be lawfully marketed and the constitutional right of the individual to personal freedom and control of his own destiny will, at some juncture, inevitably conflict." End quote. That day of conflict has arrived and we have an opportunity to make this moment of

conflict transformational. So, today, I present a Resolution that pays the ultimate tribute to eaters: a set of rights that explicitly articulates an expression of our right to enjoy and defend life and liberty and pursue and obtain our safety and happiness as set forth in Article I, Section 1, of the Declaration of Rights in the constitution of Maine.

It would read as follows: "Section 25. Right to food freedom and food self-sufficiency. All individuals have a natural, inherent and unalienable right to acquire, produce, process, prepare, preserve and consume the food of their own choosing, for their own nourishment and sustenance, by hunting, gathering, foraging, farming, fishing, gardening and saving and exchanging seeds, as long as no individual commits trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the acquisition of food. Furthermore, all individuals have a right to barter, trade and purchase food from the sources of their own choosing for their own bodily health and well-being. And every individual is fully responsible for the exercise of these rights, which may not be infringed."

This measure was carried over to this session to address concerns raised by some legislators and citizens that the bill, as originally written, could somehow be misconstrued to grant greater governmental authority over providing food to people, rather than securing and protecting individual rights, or that it will promote trespassing and theft. Even though no one here interprets the right to keep and bear arms to mean the state must provide all people with firearms, or that people have a right to steal them, or that right is not limited, I considered seriously all concerns. The bill needed a moment to ferment. And so in between sessions, I sought input from Republicans and Democrats, Independents and Libertarians, conservatives and progressives, allies and foes, farmers and fisherman, chefs, cottage food producers, homesteaders, and lawyers until we got the language right. Like a big community pig roast bar-b-que, the amended version before us is the collaborative effort of many and I thank them all.

In a moment, Mr. Speaker, I will tell you why I believe we need to put this in writing, why it levels to the level of a constitutional amendment. But first, I want to say explicitly that this Resolution, if adopted, will not invalidate any food safety laws or regulations currently on the books about meat processing, raw milk, restaurants or anything else; will not invalidate any hunting or fishing laws or regulations currently on the books; and will not keep the requisite departments from enforcing those same regulations. LD 783 is about freedom of choice, access to wholesome food, food self-sufficiency, freedom from hunger, individual responsibility, and our basic fundamental right to work out our own nutrition regimen free from unnecessary interferences.

I present a brief passage of testimony before our committee. Quote, "We expressed respect and appreciation for this effort to move the discussion forward through a Constitutional Amendment. When thinking about this bill, it occurred to us that the US Constitution should have such an amendment as well. But as with many other bold initiatives, it is fitting that Maine leads the discussion." Speaking of the US Constitution, a brief detour to the federal landscape will further clarify why I stand here today. Federal policy largely determines what we have available to eat, even here in Maine. Or, especially here in Maine since we currently import 90 percent of the food we consume.

The food produced in the industrial food system is ours for the taking and it is taking us to the place of epidemic addictions to salt, sugar, and fat, which leads to chronic diseases and slow death. Malnutrition, diabetes, obesity, Alzheimer's Disease, endocrine disorders, hypertension, heart disease, and cancer are

all linked to the so-called "western diet." The Federal Farm Bill has contributed directly to these public health disasters. As Marion Nestle, a world renowned nutritionist exclaims, quote, "The Farm Bill matters. It is crucial to practically everything about our food system—what crops gets subsidized, how much foods cost, how land is used, and whether low-income Americans have enough to eat. Whether you are rich or poor, much about your food choices is shaped by what is in the bill's 357 printed pages.

"If you examine how the incentives line up, you will quickly see that it strongly favors the industrial agriculture of the Midwest and south over that of the northeast and west. Methods requiring chemical fertilizers, pesticides and herbicides, over those that are organic or sustainable, and commodity crops for animal feed and ethanol, rather than specialty crops—translation: fruits and vegetables—for human consumption. Because its benefits are proportionate to production levels, it promotes crop overproduction. This makes food highly competitive and forces the manufacturers of processed foods and drinks to do everything possible to encourage sales of their products. The result is a food environment that encourages overeating of highly caloric, highly processed foods, but discourages consumptions of healthier, relatively unprocessed foods." End quote.

This harmful food system is promoted by the biggest food manufacturers in the world and defended by the very agencies that are supposed to protect the public health. In 2010, the Food and Drug Administration, which regulates 80 percent of the country's food, declared in US District Court that people have no fundamental right to obtain the food they wish, and therefore have no fundamental right to their own bodily and physical health. I strongly disagree, Mr. Speaker, and I believe a majority of Maine people will also disagree. LD 783 is before us precisely so that we may find out. Similar measures are currently being considered in Virginia and Utah, with other states soon to follow suit. As Maine goes, so goes the nation. In that same case, the FDA also claimed that there is no deeply rooted historical tradition of unfettered access to foods of all kinds.

Now, I would say, Mr. Speaker, that that's an insult to all of our ancestors. Our ancestors ate wild turtle soup, steamed snails, fried grasshoppers, fire roasted grubs, and raw fish eggs, and lived to tell about it. Our ancestors figured out how to make hog intestines, pig feet, beef tongue and brains, chicken hearts, thymus glands, and pork belly taste good, and lived to tell about it. Fast forward several centuries and the government agencies that are supposed to ensure food safety didn't seem to care much about the quality of the proteins available in the neighborhood grocery stores during my childhood in Milwaukee. For the exchange of our food stamps and sometimes our hard-earned money, the only chicken available would be so yellow with age and degradation, my mother would soak it overnight in vinegar and lemon water to kill whatever might live on it, then stew it for hours in a pressure cooker to kill anything else. And the last 20 minutes, she would drop dumplings in a savory pot liquor and build a part of heaven right in our kitchen. We lived to tell about it. The only beef steaks and pork chops available were so gray, we felt safe to eat them only after they were charred past well-done in the oven's broiler and then smothered in homemade gravy and sautéed wild mushrooms our neighbors foraged on weekend camping trips. We lived to tell about it.

When yellow chicken and gray beef steaks were among the only animal protein choices available to us at the store, it was no surprise then that my father would go hunting with the other fathers in our neighborhood to score possum, raccoon, squirrel, and rabbit, all of which went into the pressure cooker with his garden grown carrots, potatoes, celery, and onions to create a wild game stew so good I could never eat enough. Or, he would

fish for perch or trout in Wisconsin's pristine lakes and slow cure the fish—sometimes whole, sometimes fileted—in his hand-built smoker for long keeping. We lived to tell about it.

No deeply-rooted historical tradition of unfettered access to foods of all kinds? That's revisionist history at best, a fantastical and misleading delusion at worst. If we, the people, can't find what we want at the supermarket or corner store, or if we can't produce it or grow it ourselves, we will find it. Food is life. When one in four children among us goes to bed hungry every night, we must do better. We cannot allow a single one of us to go hungry for a single day. Maine has all the natural resources and the hardworking, independent, spirited, and resourceful people who will make a way out of no way. We will find and feed ourselves the food we want to eat. This is our right, Mr. Speaker, and I am here to tell about it.

As more people become informed about industrial agriculture through documentaries like *Food, Inc.* and the writings of Wendell Berry, we seek nutrient dense food from our neighbors and friends, small farmers and food producers, homesteaders who produce wholesome food free from chemicals, soy fillers, antibiotics, artificial flavors and colors, clever rearrangements of corn, and who knows what else. And so, Mr. Speaker, more people in Maine and around the nation are obtaining the foods of their choice through private contractual arrangements such as buyer's clubs, herd share contracts, and community supported agriculture and fishery shares. All these agreements are executed with the informed consent of all the parties. But the FDA has claimed there is no fundamental right to enter into a private contract to obtain these foods, and so it has interfered with these agreements, effectively nullifying them, by ceasing, condemning, embargoing, recalling, or destroying food not produced under its auspices, or with its permission, claiming that it's protecting the public's health, even when no evidence of a pathogen is found, when no human illness is reported, documented or verified. A simple internet search for "food rage" and "farmer arrests" will bring you myriad examples of this intrusion into our lives, the interference with our private agreements around food.

The substantive due process clauses of the 5th and 14th amendments to the United States Constitution provide that no person shall be deprived of life, liberty, or property, without due process of law. Obtaining the food we wish to eat is so basic to our lives, that it is inconceivable that a right to food choice would not be protected under the Constitution of the United States. But the FDA says "no." Well, I say, in our constitution, Mr. Speaker, let the people of Maine say "yes." The people of the state, through our Representatives, have already declared that it's the policy of the state to be food self-sufficient, and yet we import 90 percent of the food we consume. Something is wrong with this picture and we can take a step today to paint a better one.

As Virginia farmer Joe Salatin has searched, "the more food choice, the more food producers, the more community embedded food options increases food production, food availability, food price, competition, and ultimately benefits everyone, including the hungry. I cannot imagine a more basic human right," he goes on, "a more bipartisan issue, than protecting my right to choose my body's food. Who could possibly think that such freedom of choice should be denied? We allow people to smoke, shoot, preach, home educate, spray their yards with chemicals, buy lottery tickets, and read about the Kardashians. Wouldn't you think we could let people choose their food?" Let the people of Maine say "yes."

It is time to give us back the food freedom our ancestors enjoyed. Freedom is not a focus group. If we can't taste it, we can only talk about it, and that leaves liberty hollow. Mr.

Speaker, our courts have not yet recognized the right to food choice as a fundamental liberty right. But way back in 1888, in the case of *Powell vs. Pennsylvania*, Supreme Court Justice Stephen Field argued as follows, "I have always supposed that the gift of life was accompanied with the right to seek and produce food, by which life can be preserved and enjoyed in all ways not encroaching upon the equal rights of others. This is among the most inalienable rights, which in my judgement, no state can give and no state can take away. It is involved in the right to pursue one's happiness. Sometimes you have to go back in order to move forward."

Food is life. Let us, Mr. Speaker, let all of us vote today with a clear conscience for this Resolution so the people we represent have an opportunity to vote for it at the ballot box and decide once and for all if we want to agree with the Supreme Court Justice and declare and articulate these food rights explicitly in the Constitution of the State of Maine. Food is life. Do we have a right to obtain the food we wish or don't we? It's really that simple. Let's put it in black and white. Let's put it in writing. Food is life. Please vote to support this motion and let the people of Maine say "yes." Thank you, Mr. Speaker.

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

Representative **BLACK**: Mr. Speaker, Men and Women of the House, I rise in opposition to this pending motion, as I have several serious concerns with this proposal, as does the Maine Department of Agriculture. No one in this House chamber wants to see people go hungry. As legislators, our constituents and the people of Maine are our top priority. However, a constitutional amendment to address this issue has, in my opinion, a potential for many unintended consequences.

These consequences could cause the elimination of most inspections. This is an area of concern, particularly for the Department of Agriculture in regards to handling food safety. Also, I would argue that the issue we face is not the availability of food, which this amendment attempts to address, but rather with issues of distribution. Lastly, I'm concerned with a constitutional amendment of this nature because of the negative impact it will have on our small farms. We often forget that 5,000 of our small farms have an income of less than \$10,000. These farms are already struggling to compete, not making a significant amount of money. Nonetheless, they have gone through the process of inspections to ensure the safety of the food. This bill before us today would put those farmers at a disadvantage. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker. Mr. Speaker, I rise today in strong support of the pending motion. Now, why? Well, the reasons are simple. First, this is a question of personal liberty versus government control. Should each Maine citizen enjoy the right to choose where they buy their food. If they want to go to a farmer's market, do they have that unfettered right? If they want to purchase their food at a co-op, can they do it without government interference? If they want to purchase directly from the farm, can they without restriction? Can they get what they want, where they want, free of government intrusion?

Now, recent polled, a week ago nearly 1,000 Mainers were polled in the *Bangor Daily News* and they were asked, "Do you think Maine's food safety regulations are too strict?" And by a 72-28 percent margin, Mainers across the state said yes. Now, Mr. Speaker, the last time I looked down on my little nametag here, it said "Representative," and I can tell you that I've heard from dozens across my district—from Penobscot to Orland to

Stockton Springs—and my constituent feedback tells me the *BDN* numbers are accurate, and maybe even a little bit low. And I'm guessing there's a lot of folks in this chamber right now with districts just like mine who expect that we will represent their wishes.

I believe in self-determination, entrepreneurship, individualism, and if you have a libertarian streak in you, then you can relate when I tell you that the hardworking family farms in my neck of the woods only want to be left alone so they can work the land and work hard and put food on the tables of their communities. They're noble, self-sufficient, kindhearted, salt of the Earth Mainers, and just like a lot of us, they're tired of big government overreach and intrusion telling them what to do, and the people who buy their produce feel the same way.

That's why all over Maine, in seven counties so far, towns and communities are taking matters into their own hands by passing food sovereignty ordinances and determining for themselves how they will grow, sell, distribute, and consume their own food. They're sick and tired of the highly detailed and hard to comprehend 158-page Maine Food Code that places unfair burdens on farms and consumers alike because they're written for and suited to large, corporate producers. The little guy is shoved aside and squashed like a bug. And Mainers apparently have had enough and it's our job to listen and reflect their views.

These regulations are crafted with the input of these large producers and in the process, the small farms are subjected to stifling rules that strangle, and in many cases kill them off. And these small producers are leading a farming renaissance in some of Maine's most economically impoverished areas. We should be doing everything we can to help, not hurt them. Many feel that the regulations in place are, in fact, designed to eliminate competition for the larger producers. But isn't competition good? Doesn't it ensure innovation, efficiency, quality, and cost-effectiveness? Doesn't eliminating competition, in the end, weaken our economy? And why would we want to do that?

Finally, Mr. Speaker, let me remind all of us what we're being asked to consider with this vote. We are not voting to amend the Maine Constitution—as has already been done 173 times, by the way. Rather, we're being asked to allow this question to be put before our boss, who signs our paycheck, and who sent us here to represent them, the Maine people. A vote of "yes" simply says, "Yes, I trust the people of Maine to make this decision for themselves." A vote of "no," on the other hand, says, "No, Mainers, I don't trust you and I will prevent you from having any say in this matter, even though it's your state, your community, your food, your health, and I work for you." I'm guessing at least 72 percent of our bosses wouldn't be happy with that logic. 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**: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and men of the House, I rise today in support of the Ought to Pass as Amended motion for LD 783, Resolution, Proposing An Amendment to the Constitution of Maine To Establish a Right to Food. And I quote from the Resolution, "All individuals have a natural, inherent, and unalienable right to acquire, produce, process, prepare, preserve, and consume the food of their own choosing for their own nourishment and sustenance by hunting, gathering, foraging, farming, fishing, gardening, and saving and exchanging seeds."

These words deeply resonate with me due to my upbringing. I was raised on a farm about 12 miles from here. Growing up on a farm teaches you a lot about a lot of things, including governing. One of those lessons is that we are all in this together. When you grow up on a farm, there is a lot of work to do and no one's work is done until everyone's work is done. As farmers and as lawmakers, when we align our individual work to the greater good, we all win. Farmers help each other out through the original creative economy. I help you hay your field, you help me mend my barn roof. I give you three dozen eggs, you give me a mason jar filled to the brim with homemade maple syrup. When you join me on my moose hunt, because as we all know it takes a village to harvest a moose, I give you some of the delicious moose meat to put in your freezer.

Historically, as Mainers, due to our long history and tradition of farming, fishing, and hunting, we believe in the right to food. It is a belief that is in us. And that is why I proudly support LD 783, Resolution, Proposing An Amendment to the Constitution of Maine To Establish a Right to Food, and I ask you to join me in voting "yes" for the motion. Thank you, Mr. Speaker.

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

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, I know talking about food at lunch time is not a very good thing. But I rise in opposition to this bill. And why? Because in Section 25 on the Right to Food and Freedom of Self-Sufficiency, I want you to listen to what this bill says and tell me where it's not entitled today. "All individuals have a natural, inherent, and unreliable right to acquire, produce, process, prepare, and preserve and consume food of their own choosing for their own nourishment and substance"—I don't know if anywhere today that you're not allowed to do that already existing under the current law—"by hunting, gathering, foraging or farming"—As long as you buy a hunting license and a fishing license, I think you can do all those things today already by current law—"by gardening, saving, exchanging seeds as long as no individual commits trespassing or theft." I think you can do all those things today under current law.

As you read down through the rest of this bill, and I'm not going to bother to read the next 10 lines, but you get the point. There's nothing written in Section 25 being proposed that doesn't allow it to happen today. Today. We don't need to change the Constitution of the State of Maine to allow for something that's already happening and not being denied to anybody that I ever heard of today already. Thank you very much. I hope you vote against this motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 783. I have the utmost confidence in the folks that sent me here to represent them from Hollis, Buxton, and part of Saco. I do believe that they're smart enough to make the right choice. I am not voting here today to change the constitution. I am voting here today to give my constituents an opportunity to speak. Thank you, Mr. Speaker.

The **SPEAKER**: 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. 508

YEA - Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chapman, Chenette, Chipman, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M,

Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Herbig, Herrick, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Moonen, Morrison, O'Connor, Peterson, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Short, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Ward, Warren, Welsh, Wood, Mr. Speaker.

NAY - Austin, Black, Campbell R, Cooper, Crafts, Dillingham, Edgecomb, Espling, Farrin, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Harrington, Hawke, Head, Higgins, Hobart, Lajoie, Lockman, Long, Lyford, Malaby, McClellan, McElwee, Nadeau, Nutting, Ordway, Parry, Picchiotti, Pickett, Reed, Sawicki, Seavey, Sirocki, Stearns, Stetkis, Timberlake, Timmons, Turner, Vachon, Wallace, White, Winsor.

ABSENT - Alley, Bickford, Chace, Hilliard, Kinney M, Monaghan, Sherman, Theriault, Wadsworth.

Yes, 97; No, 45; Absent, 9; Excused, 0.

97 having voted in the affirmative and 45 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-526)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-526)** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 490)

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

March 21, 2016

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

Dear Honorable Members of the 127th Legislature:
Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1485, "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."

This bill would allow the Director of the Bureau of Parks and Lands to transfer State- owned, trail-grooming equipment to local incorporated non-profit snowmobile clubs. I appreciate the hard work and dedication by the many volunteers of Maine's snowmobile clubs. Their work on our state's 14,000 miles of trails provides a great recreational activity for Mainers and visitors in the winter.

I understand the intent of this bill, but I cannot support it. I do not believe this trail grooming equipment should be given away at no charge. I am in support of the State selling this equipment to the snowmobile clubs for a fair price.

For this reason, I return LD 1485 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Allow the Director of the Bureau of Parks and Lands To Transfer Ownership of Snowmobile Trail Maintenance Equipment to Incorporated Nonprofit Snowmobile Clubs

(H.P. 1008) (L.D. 1485)
(C. "A" H-520)

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

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

ROLL CALL NO. 509V

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

NAY - NONE.

ABSENT - Alley, Bickford, Chace, Hilliard, Kinney M, Monaghan, Sherman, Theriault.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

SENATE PAPERS

Bill "An Act To Facilitate Internal Hiring by Reforming the Use of Registers in the State Civil Service System"

(S.P. 682) (L.D. 1668)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

The following Joint Order: (S.P. 668)

ORDERED, the House concurring, that the Joint Standing Committee on Energy, Utilities and Technology shall report out, to the Senate, a bill relating to contracts for the purchase of energy and capacity with generation facilities that are deemed to produce zero greenhouse gas emissions.

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

READ and **PASSED** in concurrence.

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

On motion of Representative HICKMAN of Winthrop, the House adjourned at 1:29 p.m., until 10:00 a.m., Wednesday March 23, 2016, in honor and lasting tribute to Sharon Miller, of Orr's Island, and the victims of the terror attacks in Belgium.