

# 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  
28th Legislative Day  
Monday, March 28, 2016

Representative GIDEON of Freeport assumed the Chair.

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

Prayer by Reverend Brittany Longsdorf, Multifaith Chaplain, Bates College, Lewiston.

National Anthem by Oxford Hills Comprehensive High School Chamber Choir, South Paris.

Pledge of Allegiance.

Doctor of the day, Sarah Sedney, M.D., Portland.

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

Representative WINSOR: Thank you, Madam Speaker, I just wanted to take a second to let everybody know that this wonderful choir that we have up here is directed by Mr. Boyd and he is experiencing the first group of members that he's had for six years, since junior high. And I think it shows.

But even more than that, this group will be performing with a number of other groups, and I'll tell you who they are in a minute, with the Maine Honor Choir. And they're going to put a concert on in Carnegie Hall in New York City on April 17th. And this group is going to be joined by Biddeford High School Chorus, Windham High School Chorus, York High School Chorus, and the Portland Community Chorus. Thank you very much, Madam Speaker.

The Journal of Thursday, March 24, 2016 was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 687)

**JOINT RESOLUTION RECOGNIZING THE IMPORTANCE OF  
EDUCATION TO PREVENT SERIOUS SUBSTANCE USE  
DISORDERS**

WHEREAS, substance use disorders occur when the recurrent use of alcohol or drugs causes clinically and functionally significant impairment, such as health problems, disability and inability to meet major responsibilities at work, school or home; and

WHEREAS, rates of serious substance use disorders, including opioid addiction, are rising in Maine; and

WHEREAS, children are especially susceptible to influences that may lead them to experiment with drugs and alcohol and eventually develop substance use disorders; and

WHEREAS, effective substance use prevention education brings to children the knowledge and skills necessary to recognize the risks of substance use; and

WHEREAS, successful substance use prevention education involves schools, law enforcement, community organizations and individuals; and

WHEREAS, Maine's system of learning results includes substance use prevention education among the health education content areas; and

WHEREAS, the Department of Education and the Department of Health and Human Services have collaborated to produce the Maine School Substance Use Policy Guide for

schools to use when adopting a substance use prevention education policy and curriculum; and

WHEREAS, the Maine School Substance Use Policy Guide provides a toolkit for schools to use to implement substance use prevention education policies and curricula; and

WHEREAS, the Legislature recognizes the importance of local policies and curricula to implement effective substance use prevention education programs; and

WHEREAS, the Legislature encourages the ongoing development of the Maine School Substance Use Policy Guide and its use in schools; 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 recognize the essential role of substance use prevention education in preventing serious substance use disorders and encourage the use of the Maine School Substance Use Policy Guide.

Came from the Senate, **READ** and **ADOPTED**.  
**READ** and **ADOPTED** in concurrence.

**Non-Concurrent Matter**

Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs

(S.P. 657) (L.D. 1619)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-408)** in the House on March 23, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

An Act To Protect Maine Voters from Intimidating Video Recording at the Polls

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

(C. "A" S-366)

- In House, **PASSED TO BE ENACTED** on March 10, 2016.

- In Senate, **PASSED TO BE ENACTED** on March 15, 2016, in concurrence.

- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 683.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-366) AS AMENDED BY SENATE AMENDMENT "A" (S-431)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Amend the Law Regarding Disqualification for Unemployment Benefits during Stoppages of Work" (EMERGENCY)

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in the House on March 3, 2016.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Create a Class II Limited Lobster and Crab Fishing License and Improve the Limited-entry System" (H.P. 1026) (L.D. 1503) (C. "A" H-588)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588)** in the House on March 23, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-588) AS AMENDED BY SENATE AMENDMENT "A" (S-435)** thereto in **NON-CONCURRENCE**.

Representative KUMIEGA of Deer Isle moved that the House **RECEDE**.

The same Representative **PRESENTED House Amendment "A" (H-610)** to **Committee Amendment "A" (H-588)**, which was **READ** by the Clerk.

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

Representative **KUMIEGA**: Thank you, Madam Speaker, this is a technical amendment to correct an error in drafting that was picked up after the committee finished its work. Thank you.

Subsequently, **House Amendment "A" (H-610)** to **Committee Amendment "A" (H-588)** was **ADOPTED**.

**Senate Amendment "A" (S-435)** to **Committee Amendment "A" (H-588)** was **READ** by the Clerk and **ADOPTED**.

**Committee Amendment "A" (H-588)** as Amended by **House Amendment "A" (H-610)** and **Senate Amendment "A" (S-435)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-588) as Amended by House Amendment "A" (H-610) and Senate Amendment "A" (S-435)** thereto in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

**Non-Concurrent Matter**

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)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** in the House on March 22, 2016.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-564)** in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 494)

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

March 28, 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 Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Judiciary

L.D. 1654

An Act To Strengthen Protection from Abuse Laws

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 895)

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

March 23, 2016

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

Dear Speaker Eves:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Carolyn H. Brodsky of Scarborough for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Matthew E. Fendl of Ellsworth for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Gregory S. Fryer, Esq. of Cumberland for appointment to the Maine Maritime Academy, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Wilson G. Hess of Freedom for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of John A. Bird of Rockland for appointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Martha J. Harris, Esq. of Winterport for reappointment to the State Board of Education.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Elise M. McKendry of Jackman for appointment to the State Board of Education.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 896)

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

March 24, 2016  
Honorable Mark W. Eves  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Eves:

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

Upon the recommendation of the Committee on Appropriations and Financial Affairs, the nomination of Philip A. Brookhouse of Auburn for appointment to the Maine Public Employees Retirement System Board of Trustees.

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

**READ and ORDERED PLACED ON FILE.**

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

The Following Communication: (H.C. 496)

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

March 28, 2016  
Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Sara Gideon of Freeport to serve as Speaker Pro Tem to convene the House on March 28, 2016.

Sincerely,  
S/Mark W. Eves  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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

**ORDERS**

On motion of Representative FREDETTE of Newport, the following Joint Resolution: (H.P. 1147)

**JOINT RESOLUTION RECOGNIZING THE  
STATE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are member-owned and member-governed financial cooperatives dedicated and committed to serving the needs of their members and communities. The nonprofit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions operate

with the primary purpose of benefiting the more than 667,000 Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$46,900,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is once again ranked as the nation's 5th strongest credit union state based on the percentage of the population that uses a credit union, a position Maine has held for 13 consecutive years. With more than 667,000 members, credit unions serve more than half the residents of the State; and

WHEREAS, the 2,200 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve, not just with financial services but by fostering a spirit that strengthens communities; and

WHEREAS, since 1990 Maine's credit unions and their members have raised \$6,500,000 to help end hunger in Maine, including a record-setting \$622,934 in 2015. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the primary source of funding for the State's first Food Mobile. In partnership with the Good Shepherd Food Bank, the Food Mobile has delivered over 4,700,000 pounds of food to food pantries in every Maine county since it began in 2005; and

WHEREAS, the Maine Credit Unions' Campaign for Ending Hunger has a commitment to the Good Shepherd Food Bank's efforts to end childhood hunger in Maine with its support of the Good Shepherd Food Bank's BackPack and School Pantry programs, as well as other childhood hunger initiatives, serving more than 100 schools and over 3,000 students weekly and providing real help to the nearly one in 4 Maine children who are food insecure; and

WHEREAS, in 2015 Maine's credit unions contributed more than \$1,600,000 to a variety of causes and to a number of organizations, such as financial literacy programs, the American Red Cross and Special Olympics, and helped provide financial fitness fairs to a record-setting 6,411 high school students during the past school year. In the past 13 years, members of Maine's credit unions contributed more than 390,000 hours, including nearly 38,000 hours last year, volunteering for organizations and activities in communities throughout the State, making a significant and positive impact not only on the organizations that received this assistance but also on the people who were served by and benefited from the services and resources provided; and

WHEREAS, since 1921 Maine's credit unions have been enhancing the lives of thousands of Maine people, who have been helped to financial success and stability. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, take this opportunity to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives

of Maine citizens and their communities for more than 90 years. Their service and dedication to this State are a tribute to those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its member credit unions.

**READ.**

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

Representative **FARNSWORTH**: Thank you, Madam Speaker, I've been involved with the credit unions for somewhat over 45 years, starting out in Ohio and having been involved in credit unions in New Jersey, as well as here in Maine. And my feeling is that not only are they very, very consumer friendly, but they are also extremely valuable in terms of offering a great complement to the financial services that we have here in our state. I can't begin to say how much I appreciate the credit unions that I am currently a member of. It works very effectively for me and I just want to tell the world how much we appreciate, or I appreciate the credit unions that we have in the State of Maine. Thank you very much.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, this Joint Order is being presented, really as a part of a precursor to Credit Union Day which will be on Thursday. There'll be events in the Hall of Flags and recognitions then. Thank you, Madam Speaker.

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

On motion of Representative DUNPHY of Old Town, the following Joint Order: (H.P. 1145)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall report out, to the House, a bill to adjust the property tax valuation of Old Town following the closure of the Old Town Expera pulp mill.

**READ and PASSED.**  
Sent for concurrence.

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

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Syra Gutow, of Castine, who won the 2016 Maine State Spelling Bee and who now will attend the Scripps National Spelling Bee to be held in May in National Harbor, Maryland. Syra represented Hancock County in the bee that is sponsored by MaineToday Media and won in the 57th round. We extend our congratulations and best wishes to Syra on her achievement;

(HLS 1146)

Presented by Representative CHAPMAN of Brooksville. Cosponsored by Senator ROSEN of Hancock.

On **OBJECTION** of Representative CHAPMAN of Brooksville, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-405)** on Bill "An Act To Ensure Nondiscrimination against Gun Owners in Public Housing"

(S.P. 620) (L.D. 1572)

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFISKY of Cumberland

Representatives:

GERRISH of Lebanon  
LONG of Sherman  
THERIAULT of China  
TIMMONS of Cumberland

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

Signed:

Representatives:

FOWLE of Vassalboro  
CHENETTE of Saco  
DAVITT of Hampden  
LAJOIE of Lewiston  
NADEAU of Winslow  
WARREN of Hallowell

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-405).**

**READ.**

Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Minority **Ought Not to Pass** Report and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-606)** on Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum (EMERGENCY)

(H.P. 1119) (L.D. 1644)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
HYMANSON of York  
PETERSON of Rumford  
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin  
McCORMICK of Kennebec

Representatives:

HEAD of Bethel  
MALABY of Hancock  
SANDERSON of Chelsea  
VACHON of Scarborough

**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" (H-606)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-606)** and sent for concurrence.

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

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-602)** on Bill "An Act To Streamline Judicial Review of Certain Land Use Decisions"

(H.P. 528) (L.D. 775)

Signed:

Senators:

BURNS of Washington  
VOLK of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-603)** on same Bill.

Signed:

Senator:

JOHNSON of Lincoln

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-602)** 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-602)** and sent for concurrence.

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The SPEAKER PRO TEM: The Chair recognizes the Representative from Amherst, Representative Lockman, and inquires as to why he rises.

Representative **LOCKMAN**: Madam Speaker, may I pose a question through the Chair?

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

Representative **LOCKMAN**: On March 15th, Majority Leader McCabe moved to Table Unassigned LD 1652, An Act Regarding Municipal Immigration Policies. Passage of the Tabling motion effectively killed 1652 without debate and without public hearings. I rise to inquire through the Chair whether or not Representative McCabe is prepared at this time to recall the bill from the table so that LD 1652 can be assigned to committee for public hearings. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Representative from Amherst, Representative Lockman, has posed a question through the Chair to anyone who may care to respond.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances"

(H.P. 814) (L.D. 1181)

Signed:

Senator:

JOHNSON of Lincoln

Representatives:

HOBBINS of Saco  
EVANGELOS of Friendship  
McCREIGHT of Harpswell  
MONAGHAN of Cape Elizabeth  
MOONEN of Portland  
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-604)** on same Bill.

Signed:

Senators:

BURNS of Washington  
VOLK of Cumberland

Representatives:

GINZLER of Bridgton  
GUERIN of Glenburn  
HERRICK of Paris  
SHERMAN of Hodgdon

**READ.**

Representative McCABE of Skowhegan moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

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

Representative **FREDETTE**: Madam Speaker, I'm going to request a roll call on the motion to Table. My concern is, I believe this is the third matter today that we have Tabled.

The SPEAKER PRO TEM: The Representative will defer. This Tabling motion is not debatable.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of either Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Madam Speaker, I am in doubt that a sufficient number of Members requested a roll call.

The SPEAKER PRO TEM: The Chair has ruled that a roll call is in order.

A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Acceptance of either Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 518**

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

NAY - Austin, Battle, Bickford, Black, Buckland, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Herrick, Hilliard, 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, Sherman, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Fecteau, Head, Higgins, Hobbins, Kinney M, Martin R, McLean, Powers, Sirocki, Stuckey, Mr. Speaker.

Yes, 73; No, 66; Absent, 12; Excused, 0.

73 having voted in the affirmative and 66 voted in the negative, with 12 being absent, and accordingly the Bill was **TABLED** until later in today's session pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Assist Maine Citizens Residing along Public Easements"

(H.P. 1114) (L.D. 1637)

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-607)** 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.**

Representative McCABE of Skowhegan moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of either Report.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending Acceptance of either Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 519**

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

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Herrick, Hilliard, 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, Sherman, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Fecteau, Head, Higgins, Kinney M, Martin R, McLean, Powers, Sirocki, Stuckey, Mr. Speaker.

Yes, 74; No, 67; Absent, 10; Excused, 0.

74 having voted in the affirmative and 67 voted in the negative, with 10 being absent, and accordingly the Bill was **TABLED** until later in today's session pending **ACCEPTANCE** of either Report and later today assigned.



**CONSENT CALENDAR**

**First Day**

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

(S.P. 594) (L.D. 1532) Bill "An Act To Clarify Financial Responsibility in Gestational Carrier Agreements" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-427)**

(S.P. 651) (L.D. 1613) Bill "An Act To Exempt from Sales Tax Meals Sold by Nonprofit Organizations" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-430)**

(H.P. 1022) (L.D. 1499) Bill "An Act To Increase the Safety of Social Workers" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-605)**

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 Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

**ENACTORS**

**Emergency Measure**

An Act Regarding the Election Laws

(S.P. 582) (L.D. 1484)

(C. "A" S-350; S. "A" S-359)

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

**Emergency Measure**

An Act To Amend Certain Education Laws

(H.P. 1069) (L.D. 1576)

(C. "A" H-585)

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 Pro Tem and sent to the Senate.

**Emergency Measure**

An Act To Amend the Laws Relating to Endangered and Threatened Species

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

(C. "A" S-421)

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. 127 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE**

**ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

**Acts**

An Act To Market Maine's Hunting and Fishing Opportunities  
(H.P. 449) (L.D. 668)

(C. "A" H-587)

An Act To Authorize the Maine Governmental Facilities Authority To Issue Securities To Pay for Capital Repairs and Improvements to the Maine Correctional Center in South Windham and a Facility Owned by the Department of Corrections in Washington County

(S.P. 547) (L.D. 1447)

(C. "A" S-415)

An Act To Provide Ballistic Vests to State Law Enforcement Officers and Certain Other State Agents

(S.P. 598) (L.D. 1536)

(C. "A" S-428)

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

An Act To Reduce Electric Rates for Maine Businesses

(S.P. 519) (L.D. 1398)

(C. "A" S-422)

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

**ROLL CALL NO. 520**

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

NAY - Babbidge, Melaragno, Sherman.

ABSENT - Black, Fecteau, Head, Higgins, Kinney M, Martin R, McLean, Powers, Sirocki, Mr. Speaker.

Yes, 138; No, 3; Absent, 10; Excused, 0.

138 having voted in the affirmative and 3 voted in the negative, with 10 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Require the State To Adequately Pay for Emergency Medical Services

(H.P. 1006) (L.D. 1465)  
(C. "A" H-547)

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

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

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

Representative **FREDETTE**: Thank you, Madam Speaker, I would like to find out whether or not there's a fiscal note attached to this bill. If anybody knows the answer to that question, I'd appreciate it.

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

Representative **SANDERSON**: Yes, there is a fiscal note attached. Fiscal Year 2016-17 is \$443,329. Projection for Fiscal Year 2017-18 is \$438,041. This does have a sunset to it, pending a rate study that will be reported back to the Department of Health and Human Services Committee next year.

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

Representative **MAKER**: Thank you, Madam Speaker, there are first responders in every neighborhood in my district. These EMS providers face long transport times as they bring patients from the scene of illness or inquiry to their local hospital. In some cases, these patients must be transported to more equipped facilities in Bangor, Lewiston, and Portland. The cost of providing these low-volume, high-mileage transports from rural area is very high. These transports take ambulance crews out of town and increased reimbursements could allow providers to have additional crews available for local calls.

Ambulance providers rely on the fees collected from Medicare to provide proper services for the members of their community. For years, MaineCare reimbursements to EMS providers have been between 40 and 50 percent lower than the cost. In fact, it has been five years since EMS providers have been provided a rate increase. At the time of the increase, the MaineCare rate was as low as 36 percent of the cost of providing service and this disparity has only increased. Today, MaineCare reimbursement to EMS providers remain among the lowest in New England.

Maine law rightfully requires EMS to transport patients regardless of their ability to pay and MaineCare and Medicare represent about 80 percent of EMS providers' total call volume. As a result, providers must rely on private sector contracts to make up the difference; something that is becoming more and more difficult as private payers are less willing to negotiate higher

rates. The revenue shortfall that occur with MaineCare only reimburses around 50 cents on every dollar, requiring EMS providers to reduce services in the face of constantly rising costs.

This bill would increase MaineCare reimbursements to an adequate level for all Maine-based EMS providers, allowing those providers to continue offering vital services. Maine remains the oldest state and continues to age at one of the fastest rates in the country. Requests for the ambulance transport will continue to increase if MaineCare reimbursements do not begin to keep up. It is the citizens of Maine who will pay the price. And my understanding that the committee is doing a rate study on this particular issue and have tentatively raised the rate a little bit to help them with their problem. Madam Speaker, I hope everybody will follow my light. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker Pro Tem, when we're in our committee I try to be very careful about what we're putting forward for spending, what we're encumbering on different departments and the taxpayers, and how DHHS spending affects other areas of government.

Doctors and physicians have the opportunity, if they don't want to accept MaineCare patients, they have the choice; they don't have to. But when we, or any of our citizens in this state, call 911 asking for an ambulance, they don't have that choice. They have to go, regardless of anybody's ability to pay, regardless of what anybody's payer source is, be it private, commercial insurance, Medicare, or MaineCare. In the more rural areas, as you just heard the Representative from Calais say, there are many times that these ambulances roll and they roll at a loss because they have a much larger area to cover, their trips are much further. If we were talking about only our inner city areas, where the distances were shorter, then maybe I might be standing up here and saying a different thing.

But when you're talking about a rural ambulance that can be 20, 30, 40 miles away, if they can't afford to go, what are we doing to our citizens? They're not going to be able to get the emergency responding help that they do need. This is one of those bills that I feel it's important that we support those emergency responders and I'm going to vote in favor of this bill. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker, I also rise in support of the pending motion and I do so coming from one of the rural areas that folks have mentioned. I'd like to take a brief moment to read some comments on behalf of one of my local communities that I represent, the City of Eastport. This is from the City Manager, Elaine Abbott. It was directed to the Health and Human Services Committee back on the date of the public hearing back in January.

It reads as follows: "In 2014, Downeast Emergency Management Services responded to nearly 1,900 calls for emergency service in 12 towns covering an area of 585 square miles." Now, as an aside here, let that sink in. That's not a small area. Not by a long shot. Not including some of the most remote areas of Washington County's unorganized territories. I would add, as another aside, that my native area of Machias is in a similar situation. "DEMS has three base stations in Eastport, Lubec, and Woodland, with Eastport Taxpayers supporting a Fiscal Year 2016 stipend of \$114,483 to assist in maintaining this vital and necessary service. It is worth noting that Eastport, with 1,300 residents, and nearly a 60 percent low-to-moderate income rate, according to a 2015 income survey conducted by the Sunrise County Economic Council and Washington County

Council of Governments. Since 2011, Eastport taxpayers have borne budgetary increases of over 27 percent for the annual stipend for emergency services.

"If Eastport were to lose Downeast EMS for budgetary reasons, residents would wait 40-60 minutes for an ambulance to respond from Calais, which is 29 miles along Route 1 from the center of Eastport. Residents from more of the remote regions of Washington County would, in all likelihood, wait longer, several hours, for emergency services to arrive." And I would add that in Machias area, our ambulance serves eight communities and it is, at times, at least an hour's difference and the roads—some of the roads are side roads—during the winter time, it's not a good situation.

I say all of this, myself, because this is a good bill. It has bipartisan support. I know Senator Burns was on board with it. I know folks in this chamber are on board with it.

The SPEAKER PRO TEM: The Member will defer. One cannot refer to members of the other body during debate to influence the vote.

The Chair reminded all members that it is inappropriate to refer to the potential action of the other body in order to influence the vote of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **TUELL**: I apologize, Madam Speaker. This bill has strong bipartisan support and I would encourage you to pass it unanimously. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker Pro Tem, Men and Women of the House, just a quick note that this also helps to maintain our emergency medical service workforce. We heard a lot in committee about how that's been very difficult with current rate pay. It also allows us to think about our emergency medical services with our shrinking population in rural places, by using telemedicine and using the EMS workforce to monitor chronic health conditions and draw blood at people's houses.

So, we're really trying to think beyond the usual EMS pickup at a person's home to how we can use this workforce so that they want to stay in this workforce and pay them better to do it. Thank you.

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

**ROLL CALL NO. 521**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Harrington, Hawke, Herbig, Herrick, Hickman, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Martin J, Mastraccio, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Ordway, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Ward, Warren, Welsh, White, Wood, Mr. Speaker.

NAY - Crafts, Espling, Fredette, Ginzler, Hanley, Kinney J, Lockman, Long, Lyford, Marean, Nutting, O'Connor, Parry, Pierce J, Prescott, Sawicki, Timberlake, Timmons, Wadsworth, Wallace, Winsor.

ABSENT - Black, Fecteau, Head, Higgins, Kinney M, Martin R, McLean, Powers, Sirocki.

Yes, 121; No, 21; Absent, 9; Excused, 0.

121 having voted in the affirmative and 21 voted in the negative, with 9 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Enable Low-income and Other Customers Greater Access To Efficient Electric Heat Pumps through Unique Financing and Third-party Installation and Maintenance

(H.P. 1061) (L.D. 1558)  
(C. "A" H-586)

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

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

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

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

Representative **O'CONNOR**: Thank you, Madam Speaker, this bill—you notice there's only two of us against this bill: Representative Wadsworth and myself. There was a reason, and basically, my plumber came to me before we heard this legislation and said, "Beth, why would you want to give Emera, a public utilities commission, more power for something that is happening on a regular basis in the free market? Townsend Energy also said, "Why would you want to do that? This is something that we already do and people can do."

But, what disturbed me the most was what Paulina Collins from the Public Utilities Commission said on the Emera Maine petition. "On April 10, 2015, Emera Maine filed a petition seeking commission approval of a proposed heat pump program that would've been available to all the company's residential and small commercial customers. One of the central issues in the proceeding was whether the provision, installation, and maintenance of heat pumps were core utility services. Under commission rules, any service that is not a core utility service must occur through an unregulated affiliate of the utility. Heat pumps do not transmit, distribute, or deliver electricity. They are devices that use electricity to extract heat from, in this instance, ambient air."

And then it said, "For this reason, the commission found that provision installation and maintenance of heat pumps through the proposed program were not core utility services, although the transmission and distribution—T and D service—to deliver electricity to the heat pump would be. Accordingly, the commission found that the program could not be offered by the utility, but could be offered through an affiliate." And it is not. And so, for that reason, I am against the motion and I also would like to tell you that Emera is not in business to be benevolent.

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

Representative **WADSWORTH**: Thank you, Madam Speaker, after working LD 1558, I was unable to support it because a government regulated utility would be competing against private small businesses and taking market share from

them. Utilities are guaranteed a profit while our small businesses are not. I understand Emera's motivation for bringing this bill forward. The grid is only being used at 50 percent capacity, largely due to the paper mill closures. If Emera's allowed on-bill financing of heat pumps, this will draw more energy from the grid, increase demand on the grid, thereby further spreading out the grid's fixed charges. Madam Speaker, I firmly support heat pumps and the good work the Efficiency Maine Trust is doing with them, but I cannot support this bill. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, this was actually a bill that I had put in last year, which I subsequently withdrew upon some conversations that I had with some different folks. The bill was then, sort of, brought back to life this session.

And, quite frankly, I have struggled with the bill because there's a number of sides to this. Because on one level, I think particularly those in rural communities and those that don't have the financial resources, this does provide a means for people to, essentially, lease a heat pump, which may or may not provide for cheaper heat sources, but also for air conditioning supplies during the summer time. And that, certainly, is a good social positive.

On the flip side of it, the problem that I have with the bill is are we inserting ourselves into the marketplace? And, I'm a true believer that, you know, to the extent there are no negative externalities, we should be letting the marketplace dictate what happens and what doesn't. And I think this is a place where we're inserting ourselves into the marketplace in a way that doesn't provide for an even playing field for oil dealers or for other, you know, natural gas or for propane or whatnot.

And so, I have to listen in this particular case to the Republican lead on the committee and the good comments from the Representative from Berwick, Representative O'Connor, in regards to the balancing of this. And so, while I was, in fact, even a sponsor of the bill, it's just not something at this point in time that I can support, having listened to all the testimony, become knowledgeable about it, that it's something that I can support. And so I ask you to follow my light. Thank you.

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

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, I rise in support of this bill. My caucus is 100 percent behind it and the intention, first of all, this is partly affiliated with the Omnibus Bill. And in the Omnibus Bill there was a provision for a pilot program. And I guess from my perspective, it makes a little sense to have a pilot program that's successful and then kill it. And that doesn't seem reasonable to me.

It does not interfere, again, from my perspective, with free enterprise. The recommendation is made, what type of heat source to use, by the oil supplier or whoever's providing advice and product to the homeowner. The installation and maintenance, it's very specific in the bill. The installation and maintenance is to be done by a third party. I can only equate it to going to a car dealership and buying a car and the bank finances it. They don't influence what car you buy, what dealership you buy it at, they simply upfront the money.

So, I think Representative Grohman did a good job with this. I think he worked it well. I think there were some compromises and some clarifications made, and I'm supporting the bill. Thank you.

Representative BEAVERS of South Berwick **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **GROHMAN**: Thank you Madam Speaker, I was out knocking doors on Saturday. I was again reminded how many of all of our constituents are stuck in a situation with inefficient heating equipment, where they go down to the service station and get five gallons of fuel oil at a time and feed a furnace that's 30 or 40 years old. That challenge is what this bill seeks to take on to help get people out of that cycle. I want to thank the good Representative from Embden, Representative Dunphy, for his comments on this. I was really pleased with the committee and enjoyed and engaged with how we worked together to address the concerns that everybody had that I think were legitimate about how we could make sure the regulatory elements of this were properly handled. And I know that I can confidently represent to you that they were. I think you'll note in the legislation that the word "third party" is in there twice and that means increased business for our valued installers in all of our districts. So, I'd ask you to join me in supporting this piece of legislation that I really think will help Mainers save on their heating costs. Thank you, Madam Speaker.

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

Representative **DION**: Good morning, Madam Speaker, Ladies and Gentlemen of the House, a couple of comments on this bill. First, I'd like to thank committee for their bipartisan work. Second, I think it's important to note that we even brought along Representative Dunphy. There's no stronger advocate on the committee, in terms of protecting ratepayer interest and his input was solicited and recognized in the language of the bill. I'd also like to thank the good leader from across the aisle, for it was his idea on heat pumps that we built upon. The core of this bill is something that the Representative from Newport struggled valiantly for in the last session and we've realized his vision in the service of the men and women of this state in terms of having access to affordable heat. Third, in terms of my colleague, Representative O'Connor, she's absolutely right in her report. However, if you actually read the entire hearing record from the Public Utilities Commission, had we not modified the language, Emera or CMP would not be able to move forward.

And I think it's important for the body to recognize that this bill simply extends conditions, agreements, and the permission of this House that was granted to Emera in the last session and their pilot, as Representative Dunphy reports, was seen as a success. Now, I will concede that there were some free market concerns, especially espoused by members of the retail and wholesale community. And after our vote, our preliminary vote on the committee, we recognized the value of their perspective, we acknowledged their anxiety that a utility might have an unfair advantage in the market equation, we brought them in, we considered their language, and it's been incorporated in the statute.

This is a good bill. This accomplishes exactly what we hoped it would do and we have the support of the key voices in the private sector in order to accomplish the goals laid out in this piece of legislation. Thank you, Madam Speaker.

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

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

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I would just like

to back up a minute because we've been diving into the details—the weeds, if you will—of the bill and I just want to make sure I understand the purpose of the bill. It's to follow up on the pilot project that we implemented as part of the Omnibus bill a couple years ago. The pilot project appears to have been a success. And what this would do, if I understand correctly, is to make sure that low income folks, including seniors and folks who are disabled, are able to access heat pumps that might otherwise be unaffordable to them. I presume that that means that the costs have broken down over a period of time and added to their electric bill. But if folks could clarify that that is the purpose of the bill, that would be super helpful because otherwise, we're getting really lost in the details of how the mechanics work and I just want to take that 10,000 foot view and make sure that I'm understanding correctly that this is about making sure that people can afford to heat their homes. Thank you, Madam Speaker.

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

Representative GROHMAN: Thank you, Madam Speaker, the Representative from Portland is correct. Just to sum up, the utility must provide that the overall cost of energy to customers in the program is lower over the life. The bill is supported by the Public Advocate, low income groups, installers, and GrowSmart Maine, and she sums it up well.

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

Representative CHAPMAN: Thank you, Madam Speaker, I rise to remind friends and colleagues in the House that heat pumping is one of those things that provides for the lowest cost heat in the home for homeowners and I'd like to applaud a certain gentleman whose office is on the second floor and who's house is next door to this building, who had the foresight to install heat pumps in his house. Thank you, Madam Speaker.

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

**ROLL CALL NO. 522**

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Hickman, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Marean, Martin J, Mastraccio, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Sherman, Short, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wallace, Ward, Warren, Welsh, White, Mr. Speaker.

NAY - Austin, Buckland, Crafts, Dillingham, Espling, Farrin, Fredette, Greenwood, Guerin, Hanington, Hanley, Harrington, Herrick, Kinney J, Lockman, Long, Lyford, Malaby, Nutting, O'Connor, Ordway, Parry, Pierce J, Prescott, Reed, Sanderson, Seavey, Stetkis, Theriault, Timberlake, Timmons, Turner, Wadsworth, Winsor, Wood.

ABSENT - Fecteau, Head, Higgins, Martin R, McLean, Powers, Sirocki.

Yes, 109; No, 35; Absent, 7; Excused, 0.

109 having voted in the affirmative and 35 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

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On motion of Speaker EVES of North Berwick, the following Joint Order: (H.P. 1146)

ORDERED, the Senate concurring, that the Joint Standing Committee on State and Local Government shall report out, to the House, a bill directing the issuance of the senior housing bonds.

**READ.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from North Berwick, Speaker Eves.

Speaker EVES: Thank you Madam Speaker, Ladies and Members of the House, I'm here today to present a Joint Order to make sure that we can finish the job that we all started together. I want to take you back in time a little bit, about a year ago this time, where there was a lot of energy in a coalition built around the fact that we need to start taking it seriously to address the fact that we are the oldest state in the nation, we have the eighth oldest housing stock in the nation and we need to do something about it.

So we adjourned, after passing in a bipartisan way, the senior affordable housing bond. We went back home. We had the summer, we had the fall, and we had a vote. And in November, nearly 70 percent of Maine voters said this was a priority for them. They said seniors are a priority, affordable housing is a priority, and we need to get this done. So 69 percent of Maine voters said, "Yes, let's do this." Spend \$15 million of state money, that leverages \$22 million of federal money, and start building these affordable housing units because we have 9,000 seniors right now waiting on a waitlist for affordable housing. That number's going to grow to 15,000 by the year 2022.

But you don't need to look at the numbers or the data or the analysis that has been done. If you talk to your neighbors, or maybe your parents, you get it. You understand. When their homes are falling down around them. When their steps need repairs. They need help. And the vote last November was an affirmation that I think we can all feel good about that the people of Maine spoke loudly about.

It wasn't just the two-thirds of Members in this body, it was 150 organizations that came together in a coalition to say, "This is a priority. We need to do something." And when I went home after last session, this was the bright spot for me; the fact that we came to an agreement to spend \$15 million to build these units all over the state. And many of us have toured the state. And we've talked to seniors in coffee shops or in their homes around their kitchen tables, and we've heard their stories and we know that there is a need today—projects ready to go today—in Washington County, in Somerset County, in York County, in Cumberland County, in Kennebec County. Every single county in this state has a need and projects are ready to move forward.

What we need is to make sure that the Governor issues the bonds. And I wish we weren't here. I wish we didn't have the precedent of the Lands for Maine's Future bonds, but we do. And we have confirmation that the Governor doesn't have any appetite for releasing these bonds.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members to refer to the Governor as the Chief Executive during debate.

The Chair reminded all members when they are referencing the Governor that they refer to him as the Chief Executive.

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

Representative **FREDETTE**: Thank you, Madam Chair, and I would also remind the Chair that we're not to speak to the motives of other parties as well.

The SPEAKER PRO TEM: The Chair also reminds Members not to question the motives of other parties during debate.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Speaker **EVES**: Thank you, Madam Speaker, and if I did that, I apologize. That is not my intention. I think this is a good piece of work that we all agreed to, or two-thirds of us agreed to last session; nearly 70 percent of voters agreed to last November.

We need to make sure that these projects move forward. The Chief Executive has said that they're not going to move forward this year. He's been public about this. He was in Bath at his town hall meeting, he said that. In other conversations, he's indicated that this is not going to move forward in the way that the voters approved it. Too many people have asked me, whether it was 150 members of the organizations that came together in the coalition, or back home with seniors that I know personally, they keep asking me the question: "What are you going to do about it?" "Can the Chief Executive really do this?" And I have to tell them, "Yes, he can really do this." But then I also say, "We're going to do something." And today, this vote represents that action.

So the vote today would send a bill to the State and Local Government Committee to report out a bill to come back. There have been questions about the bond—is it really needed? I think we can all answer the question: yes. How is it going to be issued? In the same way the Maine State Housing Authority has always done it. How much is it going to cost? \$65,000 per unit. But if people need to be reminded of the need of this, and clarification, this is an opportunity to do that. We should send this bill to committee. We should work it. We should get it back. The need is too great. The numbers are too great. The stories are too great. And this is an opportunity to finish the job.

A supermajority of voters said, "Yes, do this." Let's not make this a political football. Let's get this done. There is no reason why we can't. There's no reason why we shouldn't. So for the 1,600 jobs that will be created through this bond, for the projects that are ready, for the construction workers that want to put on their tool belts and swing their hammers, for the backhoes that want to dig the footers for these projects, for the seniors on the waitlist that want a warm home that is affordable, that want to live independently: we have an opportunity today to say, "Yes, we hear you. We listen. And we will do it." Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, I look at this and I'm a little bit baffled. And, certainly, we seem to run on legislative time, here in Augusta in the chambers. And I look to my colleague to the right, to my right, and I said to the good Representative from New Gloucester, "When did we vote on this? When did this people vote on this?" And, unless I'm wrong, the answer is, November 2015. Five months ago. Five months ago.

My understanding is, Maine State Housing Authority hasn't even come forward with a plan on how to spend this money. And we all know, because of other issues, that the Chief Executive has up to five years to develop a plan. And five months have gone by. And in the waning days of the session, two weeks out from the end of session, I guess because we can, not going through the normal process that we all have to go through in terms of inserting a bill, creating a bill, referencing that bill to the committee, we used this mechanism, particularly which the majority gets to use because the majority has the majority vote. And so, when you do and create a Joint Order, the majority party knows the outcome. It's math.

Now we get to create a Joint Order to do, in my opinion, what is the not normal course of business in this building, which is to submit a bill, have it go through Leg. Council, have it be approved, and have it referenced. And my understanding is, is that committees are supposed to be wrapping up work. Now, I applaud the people of the State of Maine that decided to approve this bond. That's a choice that voters get to make. It's a decision that the voters did make.

However, we actually have this thing called the Constitution. And what the Constitution does is, it creates a separation of powers. And what that means is, is that we don't get to run everything. We don't get to dictate everything. I know we'd like to think that we do, but we had an election, Ladies and Gentlemen of the House, and we have a Chief Executive. And once the bill is done and it goes to the voters, then it's up to the Chief Executive to move forward with implementing what the voters have decided.

Lest, 150 days later, we're now presented with, without debate and without conversation, a Joint Order to direct the Chief Executive or the committee to go out and do this and that, when the agency, the primary agency involved in this, hasn't even come up with a plan. My understanding is, there's not even rules in place on how this money should be spent. I think the Chief Executive has a responsibility to be prudent in dealing with this money, which the voters have approved, be spent on senior housing, and that is appropriate because that is the process that we went through in terms of approving the bond, it going out to the voters, it being authorized, and now it sits in the Chief Executive's hands. And I understand the impatience of the good Representative from North Berwick, Speaker Eves. I understand that.

However, I certainly don't think five months later that this body ought to be going through a process, which is not the normal process, for creating a Joint Order to send a bill to a committee when our committees should be wrapping up. Folks, the end of session is here, or it should be. And it just seems to me, that when we should be wrapping up stuff, when we should be looking at bills before us, that we continue to focus on issues like this, because this is an important issue. But give the Chief Executive time to do what, I believe, he will do.

I would ask the question: Has there been meetings with the Chief Executive on this? People that have vested interest in this, meeting with the Chief Executive, putting forth ideas, meeting with the Maine State Housing Authority on what's that best way, the most effective way, to put housing in Washington County and housing in Piscataquis County. How do we do that in a responsible way to maximize job creation and to maximize the number of units that can get built. That takes time. It certainly takes probably longer than five months.

And it troubles me. It, quite frankly, troubles me that we're looking at a Joint Order on this five months after the passage of this vote by the voters. And I suspect, myself, because I can only speak for myself, because I'm not going to vote for this Joint

Order, that we'll lose this—when I say "we," this side of the aisle—because we don't have the votes. And this is a tool that can get used by the majority party to move something forward and that troubles me this late in session. I didn't even see this until today. No one told me about this. I suspect most of my members in the caucus don't know about this.

So you get what you want out of that. I always like to remind people that I was born in Aroostook County and I was raised in Washington County. And I know what poverty is. And I know what it means to be a senior citizen and be poor in this state. So don't tell me that I don't understand the plight of these people. I have plenty of it in my district and they expect us to be good stewards of their taxpayer dollars and we will do that and I believe the Chief Executive will do that and we don't need this Joint Order to do that. And I will not be voting for this and I ask you to follow my light.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, I don't know if my good friend across the aisle knows or not, but per capita, we have the largest population of senior citizens in the country. And I won't be looking over there, better be looking at the Speaker. We have the time and we don't have two weeks, we have three and a half weeks to get bills passed. At least three and a half weeks, by law.

Having the largest population of senior citizens in this state, should ring a bell with all of us. Those seniors are mothers and fathers and aunts and uncles of all of us. And they've all contributed something to this society in the great State of Maine. We hear and we try to take care of the people addicted to drugs, take care of our veterans, take care of our Native Americans, take care of a lot of people, and that's what I always felt that I got elected: to come up here to help people, not to hurt them. And our senior citizens...

The SPEAKER PRO TEM: The Member will defer. The Chair will inquire why the Member from Newport, Representative Fredette, rises.

Representative **FREDETTE**: Thank you, Madam Chair, I don't believe the speaker should be impinging upon the motives of prior speakers.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport objected to the comments of Representative **CAMPBELL** of Newfield because he was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair will remind all Members to keep their remarks germane and also not to question the motives of others.

The Chair reminded all members to keep their remarks germane to the question and that it was inappropriate to question the motives of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **CAMPBELL**: Who did I question?

The SPEAKER PRO TEM: The Member will defer. The Chair will recognize the Representative from Newfield, Representative Campbell, and request that the Member keep your remarks to the Joint Order in front of us. The Member may proceed.

Representative **CAMPBELL**: I'd like to ask a question, what I said wrong, who I was questioning? All I said is that we take care of our veterans, our Native Americans, we take care of everybody, people that are addicted to drugs, and our most vulnerable members of our society in the State of Maine are our elderly. That's what I said. I don't know what's bothering him though.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members to speak to the Joint Order, the Joint Order only, specifically to not question whether someone's motives are to hurt others.

The Chair reminded all members to confine their debate to the question before the House and that it was inappropriate to question the motives of other members of the House.

The SPEAKER PRO TEM: The Member may proceed.

Representative **CAMPBELL**: Thank you, Madam Speaker. I stand before you to ask is to support the Joint Order, to take care of our senior citizens. I spent my first eight years up here on Health and Human Services and all I did was look out for our seniors, our poor, and our disabled. And I'm standing here in my last year asking this body to take care of our senior citizens. I happen to be a senior citizen but be very fortunate and I'm asking to take care of the ones that aren't as fortunate as I am and I'm sorry if I disrupted somebody on the other side. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, as we stand here, before us at this time, I recognize that this is a very emotional issue. Tensions seem to be high. But I say to everyone here that there are issues often that are much larger than any one elected official, any one party, any one caucus. And I also say that this gives us the opportunity, an opportunity to send this to a committee so that the committee can hear, and so we all can hear, how urgent this matter truly is.

So, rather than put this off, rather than not act on this today, I think we should take the opportunity, we should take a vote, we should allow for a public hearing, so that we can hear from the people that are affected—those 150 that joined the coalition, as well as other seniors and other citizens around the State of Maine who value this and want to see this move forward in an appropriate time period and really not wait or labor this issue any longer. And for that reason, I request a roll call.

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

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

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker, may I pose a question through the Chair?

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

Representative **TIMBERLAKE**: Thank you. The question I have is, would it be in order to ask the Representative of Skowhegan to put this bill on the table unassigned for the exact same reason as he put the Chief Executive's bill on the table unassigned?

The SPEAKER PRO TEM: The Representative from Turner, Representative Timberlake, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Madam Speaker, I appreciate the question the good Representative from Turner, Representative Timberlake, posed, and I think what we have before us is a Joint Order. It's probably not the last Joint Order that we'll see of the session. Often these come in the very last day or two of session for a committee to report out a bill to address an issue that's of urgency.

Along those lines, there was a reference made to the Chief Executive. The Chief Executive has the ability to continue to

introduce bills, and I believe my understanding in meeting with folks and representatives from the Chief Executive Office, I believe that we're still anticipating somewhere in the number of 10 additional bills, I believe, from the Chief Executive's Office. I think some of those have come up, they've been referenced to committee. I know that, personally, I actually co-sponsored one of those that the Health and Human Services Committee took up and I believe received strong bipartisan support. So I would just encourage the good Representative from Turner, Representative Timberlake, to possibly check in with the Chief Executive, see how many more bills are coming from the Chief Executive's office, see if there's opportunities for us to co-sponsor those important issues, and I would encourage everyone to support the Joint Order that is before us.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker, Ladies and Gentlemen, I understand that this is, you know, a serious issue, helping our elderly. We have how many veterans' bills were tabled in this House?

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

Representative **CAMPBELL**: The good Representative from Waterboro should know better. You don't take papers, hold them over your head, and wave them to everybody.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members to keep their comments germane to the Joint Order before us.

The Chair reminded all members to keep his remarks germane to the question before the House.

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

Representative **RUSSELL**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, my grandfather was born and raised in this state and he served on the *USS Alabama* in World War II. He was part of the Greatest Generation. He built his house with his own two hands for his family. He was able to retire and live in that house until he passed away. Not everybody has the ability to do that in this state.

We have come to a place in this state where our Greatest Generation, we are losing them, person by person by person. And we have an opportunity to make sure that they live in dignity in their house, affordably. Right now it is becoming so expensive for people to be able to afford their energy bills. And the thing about the bonds that is so important to me, is that we're not just building new homes for the elderly, we're building energy efficient homes. And the Joint Order before us would expedite that process.

I'm not going to speculate on the motives of the Chief Executive; it's been pretty clear in the *Bangor Daily News* and other places how he feels about bonds in general. What I would think about though, is how important it is to move forward in making sure that our elderly get to retire in dignity. Our housing costs are through the roof. Our energy costs are literally going out the roof. And the housing bonds were passed with over 70 percent of Maine voters because Maine voters, not just in Portland, but all across the state, understand how hard it is for our grandparents, and soon to be our parents, to stay within their homes; how hard it is to pay the oil bill. And we need to improve our housing stock and we need to make sure that our elderly are able to retire in dignity in homes that are warm and safe. That's what this is about. It's not about partisan politics. It's not about "He said, she said." It's about making sure that the Greatest

Generation and then the Boomer generation and GenX and eventually the Millennials will be able to retire in dignity in the homes here in Maine.

We hear a lot about people going to Florida because of costs. I know a whole lot of people that go to Florida because it's warmer. Let's be honest, it's very warm. I want to make sure that we have alternatives for our elderly. We have people who are currently in need of affordable housing. I imagine that when it comes time for me to be elderly, God willing that I make it that far, I'd like to be able to retire in an affordable home. And affordability on homes has become such a critical central issue in this state. It's not just for the elderly, but when you have so many people in this state who are elder, in comparison to other states, we have an obligation to do the right thing.

And, yes, this is the emergency session. And, yes, it's late in session. But I would argue that we were sent here to do the right thing. We were sent here to make sure that these housing bonds move forward. We have an election coming up, but we already had an election. Seventy percent of Maine voters voted for this. They would like to see action on it. They would like to see this process move forward. And I would argue that when you look at the 70 percent of Maine voters who voted for it, you should think about whether or not those 70 percent are going to vote for you this fall if you don't vote to support senior housing moving forward. We put this before the people together in a bipartisan way. We did it for the right reasons. Let's seal the deal. Let's do what the people of Maine asked us to do overwhelmingly. And let's make sure that our elderly are able to retire in dignity, in warm, energy-efficient homes. Because if we don't allow them to do that, then who are we as a state? Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I'll just be very brief and I agree with most of the comments from the good Representative from Portland. And again, I will only stress one very simple, basic point: the bond was just passed five months ago. Bonds have a shelf-life of five years. Maine State Housing Authority hasn't even yet developed any rules on this. Unless we want to change the Constitution and do away with the Chief Executive, which some folks may want to do, then we ought to allow the Chief Executive to do his job, at least beyond five months after passing a bond. Thank you, Madam Speaker.

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

Representative **RUSSELL**: Thank you, Madam Speaker, I apologize for rising again, but I did want to respond to my good friend. Five months has gone by. You're right. But on some other bonds that we've seen, five years went by and I'm not willing to stand here and wait five more years when all I might have is three more weeks. I'm at the end of my political career, running for another seat. That's great, but I might not win. So, while I'm here, I'm going to make good use of my time. I can't wait five years and I don't think our elderly can either, and I am not willing to take that risk. Thank you, Madam Speaker.

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker, I should've jumped up quicker after the good Representative from Skowhegan spoke, so I could've finished my question, then, but I'm not as good as some of these others. I guess the answer to my question that I asked from the good Representative from Skowhegan was, no, he's not willing to put this bill on the table unassigned? Is that the way I understood it? Other than we



went on to why the Chief Executive doesn't put up other bills or what he's doing? I didn't know what that had to do with this bill, but that was my question, I just, yes or no.

The SPEAKER PRO TEM: The Representative from Turner, Representative Timberlake, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Madam Speaker, I'll speak louder this time so that everyone can hear me and then I'll be really clear with my answer that, the Joint Order that's before us, the bond that is pending, the need is just too great for us to stall this any longer. So I would encourage everyone to follow my light.

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

**ROLL CALL NO. 523**

YEA - Alley, Babbidge, Bates, Battle, 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, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Mastraccio, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Bickford, Fecteau, Head, HIGGINS, Martin R, McLean, Powers, Sirocki.

Yes, 80; No, 63; Absent, 8; Excused, 0.

80 having voted in the affirmative and 63 voted in the negative, with 8 being absent, and accordingly the Joint Order was **PASSED**. Sent for concurrence.

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

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

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 24, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-555)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Individual Private Savings Accounts through a Public-private Partnership"

(H.P. 896) (L.D. 1318)

TABLED - March 16, 2016 (Till Later Today) by Representative BECK of Waterville.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative McCABE of Skowhegan moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Madam Speaker, I wasn't planning on standing up and speaking today on this item, but I feel I have to at this point. I rise in opposition to the pending motion, which is the Minority Report of the committee, as this bill is unnecessary. It seeks to create a small business retirement marketplace within state government. However, that marketplace already exists within the private sector.

There are over 100 companies that provide these services very efficiently and effectively at no cost to the state taxpayer. The bill requires the State Treasurer to set up a competing marketplace, which the State Treasurer testified she did not want, nor did she feel capable of doing. The Commission of Financial Services also testified against the bill, agreeing that the private sector already has sufficient products and services to accommodate any small business that wants to set up a retirement plan for their employees. And the state already regulates and oversees the investments offered by these companies.

There was an initial \$184,000 fiscal note to hire a new employee for the Treasurer's Office and a \$500,000 fiscal note to undertake setting up and maintaining a public accessible website, explaining eligibility rules for employees and the voluntary participation in the marketplace. The private sector firms already provide these resources for their clients and potential customers. While the goal of the bill is commendable in encouraging individuals to save more for their retirement, we did learn that currently 67 percent of Maine workers already have access through their employers for workplace retirement plans. We are the sixth in the country offering such an investment.

If the goal is to increase individual retirement savings, then I would suggest that we establish a Maine workers IRA tax deduction plan that will reduce the tax burden, increase the retirement savings, and improve the retirement future. That would be legislation I could support. As for this current proposal, I would ask that you vote red, as we do not need the state competing against the private sector at a cost to our taxpayers. Thank you, Madam Speaker.

Subsequently, Representative FREDETTE of Newport **WITHDREW** his **REQUEST** for a roll call.

Subsequently, Representative McCABE of Skowhegan **WITHDREW** his motion to **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Madam Speaker and Ladies and Gentlemen of the House, I apologize for the confusion on this side of the aisle. I appreciate Representative Foley's remark and the work of the committee on this very important issue. Apparently, I don't believe in futile efforts. I

don't see the votes happening. But I appreciate the work of the committee. Thank you.

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

Representative **COOPER**: Thank you, Madam Speaker, I rise in opposition to the pending motion, solely so I can explain why it was that some of the members of the committee felt that this was a plan that was worth pursuing. The big difference between what is available now to employers and their employees as far as establishing a savings account for retirement is that this would establish an opt-out mechanism, which studies have repeatedly shown create a much higher percentage of participation than opt-in programs, and in order to do so, there had to be a mechanism for creating a choice of plans and the Treasurer's Office seemed like the most appropriate one for that responsibility.

And the reason for encouraging private savings accounts through employment is that Americans and Mainers alike save far too little for their retirement. Those savings are quickly depleted once one is retired. Social Security is not enough to live on in a decent manner and the role of pensions has largely diminished throughout society; only government workers at this stage can count on lifelong pensions. So, we are left with only two legs of the retirement safety net. It used to be three: savings, pensions, and Social Security, and savings is simply inadequate to meet the needs of most workers when they retire. Thank you.

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

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HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-568)** - Minority (1) **Ought Not to Pass** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Fairness in Campaign Financing"

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

TABLED - March 22, 2016 (Till Later Today) by Representative LUCHINI of Ellsworth.

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

Subsequently, on motion of Representative McCABE of Skowhegan, **TABLED** pending the motion of Representative LUCHINI of Ellsworth to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Change the Definition of 'Hard Cider' for Consistency with Federal Law"

(H.P. 1148) (L.D. 1678)

Sponsored by Representative LUCHINI of Ellsworth. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

**COMMUNICATIONS**

The Following Communication: (H.C. 495)

**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 778, "Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-Filed Major Substantive Rule of the Maine Commission on Indigent Legal Services."

This legislation approves Maine Commission on Indigent Legal Services' rulemaking that modifies requirements that must be met in order for attorneys to accept certain, specialized cases. The entire system for providing indigent defense is a bad deal for Maine, and I do not support making incremental changes to a system that is in need of fundamental reform.

The Commission and the current system for providing indigent legal services were established in 2009 in order to separate this function from the Judicial Branch. In that time, the budget for the Commission has grown year over year from a little over \$10.5 million in fiscal year 2011 to the budgeted amount of more than \$19 million for the current fiscal year. Not only has the budget for these services exploded, but also there seems to be no way to predict this growth. As the Legislature well knows, it is asked almost every fiscal year to provide additional, unbudgeted supplemental funding to this Commission because nobody seems to be able to manage (or predict) this spending. In fact, I understand that the Commission is now seeking over \$3 million in unbudgeted supplemental funding for the second year of the biennium.

I have proposed the creation of a public defender system to regularize the costs of providing this service and to improve the quality of services we provide to who need these legal services. The proposed program would result in significant savings over the long-term. Unfortunately, when those who stood to lose – the lawyers now billing the State – showed up in force to keep taxpayer dollars flowing in their direction, legislators wilted and opted for the *status quo*. I will not enable this system. For these reasons, I return LD 778 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 Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

(H.P. 531) (L.D. 778)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, as you are all aware and I suspect you have the Chief Executive's veto message in front of you, this is a bill that I voted in the affirmative on previously when this matter was brought before this body. And, it does, if you look at the Chief Executive's veto message and if you look at, particularly, the language in there, and I'll read it verbatim. It says: "This commission was established in 2009." And then it

states, and I quote, "At that time, the budget for the commission has grown over year over year from as little as \$10.5 million in Fiscal Year 2011 to a budgeted amount of more than \$19 million for the current fiscal year.

Now, as you all know, I do, in fact, practice law, and this is a bill that directly affects my brothers and sisters in the profession of the practice of law, and specifically about rate increases for wages that they get paid. And, what I have a hard time doing, and in terms of looking at the bill before us today with the Chief Executive's veto message, is recognizing that we have a commission that's doubled their budget in five or six years. When I served on the Appropriations Committee in the 125th Legislature, they came in, they asked some questions, we asked some questions. You know, there were some metrics that were supposed to be set up in terms of cases and how many and caps and whatnot. And, rather than metrics being set up so that there's greater accountability, what we see here is a commission that has doubled their budget from \$10.5 million to \$19 million.

Now, I'll also remind the body that there is a constitutional requirement that we have to fund indigent legal services. But that's not an open checkbook, Ladies and Gentlemen of the House. A budget that's gone from \$10.5 million to \$20 million, virtually, in six years—where does it end? I mean, there does need to be metrics put in place. There needs to be reforms. There needs to be accountability. And, you know, supplemental budget after supplemental budget, they come in asking for more money. And you know why they keep coming in asking for more money? Because to some degree, we can't say no.

But I would submit to you that we're in March right now. Actually, we're almost into April. But we have about 90 days left in this fiscal year and then we'll start a new fiscal year; a new budget will start. This is something that the Chief Executive can do in a supplemental budget in January 2017. And so, while I voted for this measure initially, because I recognize the need to pay a wage that is going to allow for people continuing to want to provide services for indigent legal services, I'm convinced by the Chief Executive's veto message that suggests that we need greater accountability and reforms within the commission. And the only way that we can really do that, evidently, at least from the six years that I've been here, is to support the Chief Executive's veto message. And I suspect if we do that, the commission may go out and look at what their issues are.

And I understand there's more drug crime and I understand there's more complicated cases. I understand all that. But, again, where does the buck stop? Because we seem to have a real problem with the question of, does the buck stop here? So, while I will acknowledge I initially voted for this bill and I certainly don't have an issue with those that want to override the Chief Executive's veto here, I do want to pose the question of where does the buck stop? When are we going to start requiring accountability in metrics? And accountability for spending? \$315 million over the prior biennial budget. How much more will we spend before we leave this building? That is the question.

So, Ladies and Gentlemen, while I supported the initial bill on this, and I certainly have no issues with those that will seek to have a difference of opinion on my vote, I ask you to cast a vote consistent with the Chief Executive's message here in that we need accountability. We need metrics. I think we can do better. I appreciate the good work that the committee has done on this. But I ask you to follow my light in supporting the Chief Executive's veto on this matter. Thank you, Madam Speaker.

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

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Representative HOBBS of Saco **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **HOBBS**: Thank you, Madam Speaker and Men and Women of the House, the purpose of my asking for the reading of the Report was in no way should be deemed to be critical of the remarks that the Minority Leader, the good Representative from Newport, has just made, because I believe that his remarks are the same remarks that our committee had for many, many years with the frustration of trying to balance the fact that the Constitution requires that indigent legal counsel fees be paid, so they would be the quality with those who cannot afford to pay for legal services under the constitutional guidelines that have been established.

However, what the committee did is diligently looked at what was done by the commission in establishing substantive rules and rulemaking. The committee also looked at the due diligence that the Appropriations Committee has done to ensure that these funds, which are used essentially, used for legal services and payment of legal services and the retention of counsel by the commission for individuals who have been vetted not to be able to afford competent legal counsel.

So, I understand the frustration. But the bottom line is this, is that, regardless of this veto, the substantive rule is in place. The issue is going to be in the future, I believe, and maybe someone from the Appropriations Committee could discuss this, is that the second year of the funding, I believe in the amount of about \$3 million, is not called for. But the rule itself is in place. So, I know the frustration, I understand the Chief Executive's frustration with the committee because when he first took office, in January of 2011, he found a significant shortfall from the fund when he was looking at the budgetary issues. That situation has been rectified, quite frankly, by prudent management by the newly reconstructed commission who, ironically, most of the members except for two have been appointed by the Chief Executive. So, he has taken obviously, all the branches of government have taken an interest in this and I think that we, as the Legislature, should look at our committee of jurisdiction, the Judiciary Committee, look at the Appropriations Committee and say that the Chief Executive's veto is a gesture for him because he is not happy.

And again, I'm not trying to assume anything but, he sponsored a bill, and, in fact, many of us who are lawyers in the committee co-sponsored the bill, and that was to establish a public defenders system. After significant carryover of the bill, in public hearings and also work sessions, it was decided by the Judiciary Committee to report that bill out with almost a unanimous report Ought Not to Pass because we believe that the present commission are taking diligent steps.

Now, is the door still open for the next three years? The Chief Executive, in the future if this isn't working, or the Legislature—any of the Members of this Legislature or members of the Appropriations Committee or Judiciary Committee—that have a grave interest in this can take a look at it. But I really think it's sending the wrong message to the commission that has been duly established. Most of the appointments now are the Chief Executive's appointments. With the Judiciary Committee that spends a lot of effort and time, and also the Appropriations Committee. So, I would hope that we can, without showing

disrespect to the Chief Executive, override his veto and get on with the business that is before us. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I do appreciate the Chief Executive's fiscal responsibility and I certainly try to also follow a pattern of fiscal responsibility. So when the idea was first proposed, I felt that we needed to do a thorough vetting of the proposal to open this new government agency and as the committee went through the information, it became clear to me that the least expensive and most diverse coverage for the State of Maine came through the system that we already have. The committee discussed this at length and it was a unanimous report.

Maine's indigent legal services system is not perfect, but it is far from a system in crisis. Indigent people in Maine courts receive quality representation from lawyers committed to the defense of their liberty and Maine systems remain among the least expensive in the country. Maine spends in the bottom five of the 50 states, while the example that the Chief Executive states of New Hampshire spends three times as much as Maine does. The program has only been in place a relative short time of five years. In this time, there have been increases, but we are all well aware of the increases that have occurred across our state in drug related cases. The increase in these criminal prosecutions has caused the increase, not a lack of planning by the Department.

The state spends less per capita on providing indigent legal services than any of its neighboring states in the northeast, and most of the other states in the country. The \$60 an hour rate for indigent defense attorneys is enough to cover basic overhead, like rent, utilities, childcare, office supplies, insurance, and the profit for the attorney. The creation of a bureaucratic state agency paying wages and benefits to attorneys and staff, and maintaining offices, will surely come at a much high price to the taxpayers over time. The \$60 an hour rate is a bargain. How many lawyers do people in this House have that would work for \$60 an hour? I know my attorney for my business charges me \$185 an hour, so I think the \$60 is a bargain. I appreciate the Chief Executive's efforts in saving the taxpayers money, but I feel that this is not the solution that will do that. Please join me in overriding the veto.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise to agree with my colleague from Glenburn and my colleague from Saco about this veto being overridden. But, for a different reason, I'm very confused by all the discussion about the spending. We had a difference Resolve several weeks ago that dealt with the spending issue—the \$60 an hour rate. That's actually not this Resolve.

This Resolve is a rule requiring that attorney who work for the Commission on Indigent Legal Services have experience with highly specialized cases before they can be assigned to those highly specialized cases. So, they have to have experience with a murder case before they can be assigned by the commission to work on a murder case. Same with domestic violence or rape or whatever the case may be.

So, I understand the Chief Executive's letter about spending, but this Resolve isn't the one about spending. We dealt with that one several weeks ago. And I think we should think about what this Resolve is and whether or not we think lawyers should have experience with murder trials before the commission assigns

them to a murder trial. And to me, that was a common sense "yes" and that's why the committee was unanimous on that. I just wanted to clear up that confusion. Thank you, Madam Speaker.

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

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

**ROLL CALL NO. 524V**

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Foley, Fowle, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Herrick, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Mastraccio, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Ward, Warren, Welsh, White, Mr. Speaker.

NAY - Black, Crafts, Fredette, Greenwood, Hanington, Hanley, Harrington, Hawke, Hilliard, Hobart, Kinney J, Lockman, Long, Lyford, McClellan, O'Connor, Ordway, Pickett, Pierce J, Prescott, Reed, Sawicki, Seavey, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Chapman, Fecteau, Frey, Head, Higgins, Martin R, McLean, Powers, Sirocki.

Yes, 109; No, 33; Absent, 9; Excused, 0.

109 having voted in the affirmative and 33 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Eliminate the Maine Estate Tax"

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

House **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** in the House on March 24, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 590) (L.D. 1528) Bill "An Act To Modernize and Consolidate Court Facilities" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-437)**

(S.P. 659) (L.D. 1621) Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-433)**

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.

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-436)** on Bill "An Act To Protect Victims of Sexual Assault" (S.P. 575) (L.D. 1477)

Signed:

Senators:

- BURNS of Washington
- JOHNSON of Lincoln
- VOLK of Cumberland

Representatives:

- HOBBINS of Saco
- EVANGELOS of Friendship
- GINZLER of Bridgton
- GUERIN of Glenburn
- HERRICK of Paris
- McCREIGHT of Harpswell
- MONAGHAN of Cape Elizabeth
- SHERMAN of Hodgdon
- WARREN of Hallowell

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

Signed:

Representative:

- MOONEN of Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-436)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-436)** in concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Amend Maine's Genetically Modified Food Products Labeling Law"

(H.P. 686) (L.D. 991)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-597)** in the House on March 24, 2016.

Came from the Senate with the Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)** in **NON-CONCURRENCE**.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 678) (L.D. 1657) Bill "An Act To Simplify and Expand the Educational Opportunity Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-438)**

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

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

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

On motion of Representative LUCHINI of Ellsworth, the House adjourned at 12:55 p.m., until 9:30 a.m., Tuesday, March 29, 2016, in honor and lasting tribute to Harold L. "Tug" White, Jr., of Ellsworth; Mary Jo Head Butler, of Union; and Charles Arthur Robbins, Jr., of Skowhegan.