

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
29th Legislative Day
Tuesday, March 29, 2016

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Pastor John W. Alden, Lisbon Falls Baptist Church.
National Anthem by Joelle Bronson, East Machias.
Pledge of Allegiance.
Doctor of the day, Joel Kase, D.O., North Yarmouth.
The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road"

(H.P. 903) (L.D. 1325)
(C. "A" H-558)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) in the House on March 15, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-558) AS AMENDED BY SENATE AMENDMENT "A" (S-414)** thereto in **NON-CONCURRENCE**.

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

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett, who wishes to address the House on the record.

Representative **PICKETT**: On March 15, Majority Leader, the good Representative from Skowhegan, Representative McCabe, moved to Table Unassigned LD 1652, An Act Regarding Municipal Immigration Policies. Passage of the tabling motion effectively killed LD 1652 without debate and without public hearings. I rise to inquire through the Chair, whether or not the good Representative from Skowhegan, 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, Mr. Speaker.

The SPEAKER: The Representative from Dixfield, Representative Pickett, has posed a question through the Chair to anyone who may care to respond.

Non-Concurrent Matter

Bill "An Act To Implement the Combination Defined Benefit and Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012"

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-534)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe, who wishes to address the House on the Record.

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

The SPEAKER: The Representative may pose his question.

Representative **McCABE**: Thank you, Mr. Speaker, a question for anyone willing to answer. 3-1, 3-2, two late filed bills from the Chief Executive. Yesterday, a lot of discussion about how to handle bills coming in at this late hour. So, didn't know if anyone wanted to clarify as far as the necessity for these bills at this time.

The SPEAKER: The Representative from Skowhegan, Representative McCabe, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Well, I certainly don't want to speak on behalf of the Executive Branch. However, I suspect the Chief Executive, essentially, is exercising his constitutional right to submit bills, and so much like we were doing yesterday, we would have due process of the process just like we did yesterday when we were talking about bills being sent to committee by a Joint Order. So, I don't see how it's any different.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Increase the Salary of the Governor and the Salary of Legislators upon Reduction in the Size of the Legislature"

(H.P. 1149) (L.D. 1679)

Sponsored by Representative **DUNPHY** of Embden. (GOVERNOR'S BILL)

RESOLUTION, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MAINE TO REDUCE THE NUMBER OF REPRESENTATIVES AND SENATORS IN THE LEGISLATURE

(H.P. 1150) (L.D. 1680)

Sponsored by Representative **DUNPHY** of Embden. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Falmouth High School Boys Basketball Team, which has won the 2016 Class A State Championship. Members of the team include Sean Bryant, Thomas Coyne, Nick Wissemann, Sam Skop, Matt Wulbrecht, Drew Chamberlain, Tyler Gee, Alex Whitmore, Alex Wissemann, Colin Coyne, Sean Walsh, Ben Simonds, Brock Welch, Jack Bryant and Nikko DePatsy; manager Matt Barnard; assistant coaches James Hilton, Nick Farrell, Paul Pekins and Ed Flaherty; and head coach Dave Halligan, Jr. We extend our congratulations to all the members of the team on this achievement and offer them our best wishes;

(HLS 1150)

Presented by Representative PIERCE of Falmouth. Cosponsored by Senator BREEN of Cumberland, Representative DION of Portland.

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

READ.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative **PIERCE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise honored and privileged to congratulate the Falmouth Boys Basketball team and their coaches on the 2016 Class A Championship this season. Falmouth has won eight basketball championships, starting in 1986 and 20 years later, they are back again, having beaten Ocean View decisively 59-35 to take the title.

Being part of a team takes commitment, time, and a shared vision where you want the team to end up in the end, and this team had all of that and more. I had the pleasure of attending the final game. Those final minutes count down, the buzzer goes off, the fans rush the court jumping all over the team, and then you get to watch your team clip down the basketball net and cheer with joy. It's quite an experience. It's our own version—if you've ever been to the basketball tournament—of our February Madness, so to speak, in Maine and I was honored to be there.

Nine seniors on this team were part of the 2013 Championship team, and I think that their teammate and "Mr. Basketball" finalist, Thomas Coyne, said it best. "We've been playing together for a long time and basically going to the highest you can, the state championship, it's really special." I hope you'll join me in congratulating the Falmouth High School Boys Basketball Team. Thank you.

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

Recognizing:

the Combined Girls Alpine Ski Team of Falmouth High School and Waynflete School, of Falmouth and Portland, which won the 2016 Class A State Girls Alpine Championship. Members of the team include Krysia Lesniak, Alex Shapiro, Audrey Morin, Caroline Keller, Olivia Dewolf, Kelly Frumer, Beata Vest and Vika Santoro. The team is coached by Tip Kimball and Terry Ionta. We extend to all the members of the team our congratulations and best wishes;

(HLS 1151)

Presented by Representative PIERCE of Falmouth. Cosponsored by Senator BREEN of Cumberland, Representative DION of Portland, Senator ALFOND of Cumberland, Senator HASKELL of Cumberland, Representative HARLOW of Portland, Representative FARNSWORTH of Portland, Representative

MOONEN of Portland, Representative RUSSELL of Portland, Representative CHIPMAN of Portland, Representative JORGENSEN of Portland, Representative STUCKEY of Portland.

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

READ.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative **PIERCE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I am honored to rise a second time and delighted to congratulate a second team from Falmouth, and a combined team from Falmouth/Waynflete, on their championship title. This is a back-to-back win for this team. They were here last year as well.

Envision yourself at the top of the mountain: the vista before you, the sun is shining, it's gleaming off the snow, and you're about to hurl yourself down the mountain at lightning speed. That's what these girls have done 100 times. They did it once again to take the championship. They do it with grace, ease, athleticism, and fearlessness—a few things that none of us can even imagine.

This combined team brings together, not only our own town, Falmouth, but also the Waynflete school. We were able to cross over town lines, which brings community together, and in that community, we get to share great things. I would like to specially recognize on this team Alex Shapiro, who is the Class A State Champion Giant Slalom Champion for this year as well.

When you bring together a combined team and you bring together those communities, you get to share the triumph and the sorrow. This team has had both of those in this season and have done so with the grace and fearlessness and compassion that, like standing at the top of the mountain, few of us could even imagine. I hope you'll join me in congratulating this team as well. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Require Labeling of All Genetically Modified Products"

(S.P. 478) (L.D. 1326)

Signed:

Senators:

EDGECOMB of Aroostook
DILL of Penobscot

Representatives:

BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-434)** on same Bill.

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
McCABE of Skowhegan
SAUCIER of Presque Isle

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Replace a Statue in the National Statuary Hall Collection" (S.P. 645) (L.D. 1604)

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

KORNFIELD of Bangor
FARNSWORTH of Portland
MAKER of Calais
McCLELLAN of Raymond
STEARNS of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-413)** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
PIERCE of Falmouth
POULIOT of Augusta
TIPPING-SPITZ of Orono

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

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

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of the motion before you. This bill is a committee bill and is the result of a combined Maine Arts Commission and Maine State Museum survey asking Mainers to think about who they'd like to have representing us in the National Statuary Hall in DC.

Each state gets two sculptures. Currently, our state has a sculpture of Governor William King and Vice President Hannibal Hamlin. The survey asked folks who they'd like have be those sculpture and also if we were to remove one of the sculptures and bring it back home to the State House for our bicentennial, which sculpture we should remove. Over 12,500 people answered the

survey and overwhelmingly the clear winner was Margaret Chase Smith. It was said loud and clear that Maine folks would like to have Margaret Chase Smith representing us down in DC. They also said if we were to remove one of the two sculptures, that we should remove the sculpture of Vice President Hannibal Hamlin.

I'm passionate about this bill for another reason. Because if you look at the make-up of the sculptures that are down in DC, there are only eight sculptures of women and I think it's about time that we get a few more women down in DC and I can't think of anyone more appropriate to represent our state than Margaret Chase Smith. Especially in this time of heated political debate, I think it'd be amazing if we all banded together and found an incredible artist to create an incredible sculpture of a motivated, inspiring, incredible woman from Maine. And, I mean, if I had to think about one quote that I think really sums up why we should have a sculpture of Margaret Chase Smith down in DC, it would be her one that says, "The right way is not always the popular and easy way. Standing for right when it's unpopular is a true test of moral character." I can't think of a better quote or a better person to represent us. I urge you to follow my light.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm on the Education Committee as well and just wanted to give you a little bit of feedback on this effort. This effort actually started to change the statue because of an upcoming anniversary and a citizen of Maine really thought it would be a good thing to change the statue to Joshua Chamberlain. And in the course of the process, as was stated by the Representative, a survey was put out and Joshua Chamberlain kind of got left by the wayside.

One other, I think, important thing, and I won't get into all the details, but as a committee we looked at, there was quite a bit of cost to creating the statue, to finding the creator of the statue. Maine would take a lot of responsibility in terms of building the statue, paying for that, moving it to Washington, paying for that, bringing the other statue back, paying for that. And as we consider a lot of other things, it to me doesn't seem like it's really something important. So, thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TIMBERLAKE**: I was looking online and I can't find a fiscal note on this and I wondered if there was one, or if there's one been determined yet, if anybody cares to answer.

The SPEAKER: 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 Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the reason you won't find a fiscal note is the whole purpose of this bill is that it has to be paid for by private donations. The Maine Arts Commission and the Maine State Museum did think that it might be advisable to have an appropriation of \$65-\$70,000 to help them hire a fundraising consultant, but the bill has been specifically written to have the come from private funds to make sure that this isn't an expense to the state and it isn't coming from taxpayer money. We've already heard from several different benefactors who are interested and passionate about funding this sculpture, so this is one of these win-wins where it will be everyone banding together and it won't be coming from taxpayer money.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-413)** 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-413)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-386)** on Bill "An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects"

(S.P. 461) (L.D. 1286)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

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

Signed:

Senators:

WHITTEMORE of Somerset

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-386)** was **READ** by the Clerk.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (S-386)**.

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I encourage you vote "no" on the pending motion. During the committee hearing, we heard some significant concerns brought forward that

any increased cost for this insulation will certainly increase the cost of building projects for the state.

For example, the impact on the design of the project or other types of materials used, often adding unforeseen and significantly increased cost. The bill is also silent on enforcement or inspection. Who is going to inspect the installed insulation for proper compliance? One of the consequences of these violations: who will enforce these violations? The bill also has internal problems. For instance, it places restrictions on the bureau of general services, also known as BGS, for the planning and design of construction. That division of purchases generally has no role in the renovation of the public buildings and that function is provided by the PDCD. So I would encourage a "no" vote on the pending motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **TIMBERLAKE**: Again, this one has no fiscal note on it and I'd like to know if anybody knows what it's going to cost us.

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

A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (S-386). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 525

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, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Mr. Speaker.

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

ABSENT - Higgins, Long, Pierce T, Stearns, Welsh.

Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, and accordingly **Committee Amendment "A" (S-386)** was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-386)** in **NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-608)** on Resolve, To Increase MaineCare Services for Certain Recipients To Allow Them To Remain at Home (EMERGENCY)

(H.P. 314) (L.D. 475)

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

VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-609)** on same Resolve.

Signed:

Senators:

BRAKEY of Androscoggin

McCORMICK of Kennebec

Representatives:

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

READ.

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

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

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

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. While this bill is certainly well intended, what it seeks to do is raise the cap on what we currently provide for Section 29 services. In the last budget, we were able to fully fund the 29 services and we do not have anybody on a waitlist at this time. However, we still have people on the Section 21 waitlist services. I feel very strongly that we need to fully fund all of these people with severe and persistent cognitive and intellectual disabilities before we go adding more money into a particular program.

What's important to know is about 600 people who are currently accessing the 29 services qualify for Section 21. If we were fully funding the 29 services—these are the folks who actually need more—we may be able to offer the folks who do need more, what they need under the 21 waiver. We had conversation in committee and I totally agree, completely agree, that what we should be doing is taking a blend of both Section 29 waivers and Section 21 waiver individuals and putting them under

one waiver. That would make it easier to make sure that we're not putting one section of individuals against another section of individuals, but we're not there yet and I don't believe we're going to be there until we actually have an independent assessment tool, which we are working on at the time to be able to make sure that these individuals are all receiving an appropriate level of services. There may be some folks under Section 29 now who do need more and there may be folks who need less. Until we have an independent assessment tool, until we're able to be able to completely justify exactly how much people need and make sure we're serving people at their needs, just throwing more money and doubling a cap, I think is doing the rest of the folks with severe and persistent disabilities a disservice because we won't have that money available to help fund them. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the genesis of this Resolve goes back to the 126th Legislature. Led by the efforts of then Senator Flood and Representative Chase, and following the recommendations of a legislative commission report, consumers and advocates, and the Department of Health and Human Services, we expanded services allowed under MaineCare Section 29 waiver to include home supports and appropriate assistive technology. Both services are designed to allow consumers to remain at home in their community. It's what many consumers and their families want to do, and it's less expensive.

However, what we did not do last session, Mr. Speaker, was increase the reimbursement cap for Section 29 recipients. So they now have a menu of choices they need to live and work in their community, but their allowance may not be big enough to pay for the services they need. That's when they have to apply for Section 21.

With bipartisan support in the budget, in the last year, the DHHS has been able to eliminate the waiting list for Section 29 services, and the Priority 1 waiting list for 21 services. That's great news, Mr. Speaker. However, there are still over 1,200 people on the Priority 2 and Priority 3 wait lists for Section 21. And of that 1,200-plus, over 400 are currently receiving Section 29 services, just not enough of them.

This Resolve would require the DHHS to amend its Section 29 MaineCare rules to double a person's available annual reimbursement, to be used for home support, community support, work support, assistive technology and career planning. Expanding resources under Section 29 will make this waiver more responsive to more people, allowing them to live and work in the community, and delaying, and maybe even eliminating, their need for the significantly more expensive Section 21 services.

As amended, this Resolve would also add another infusion of resources to address the 150 people from the remainder of the Section 21 wait list. Hopefully, the day is not far off, Mr. Speaker, when we will have a comprehensive and seamless life-long continuum of services available to every person living with intellectual disabilities and autistic disorders, a system that provides the supports they, and their families, need. No more, no less, and when they need it. Mr. Speaker, I believe passage of this Resolve will move us a lot closer to that day. Thank you, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, my understanding in looking at this bill is that there's about a \$16 million fiscal note. And the problem before us is that we have, sort of, pending right

now on the House and Senate Appropriations table, roughly \$60-\$70 million already on bills sitting down there to be spent in terms of money. And what we don't have is a comprehensive approach in terms of a supplemental budget, which would include the Chief Executive, in terms of setting priorities for the needs for spending, not only from a Legislative perspective, but also from an Executive perspective.

And certainly, I think, people on our side of the aisle have been very vocal and very supportive of those with intellectual and physical disabilities and, quite frankly, many of us had a meeting yesterday with the Chief Executive where the Chief Executive has stated, both privately and publicly, that he will come forward with a supplemental budget in about eight months. And I think issues such as this looked at in a comprehensive way, done both with the Chief Executive and the Legislature is the proper approach. And so, while I believe we recognize the need, I think the issue before us becomes how is it that we are going to address multiple priorities and spending initiative this session, and I think that this is not the proper approach at this time and I would urge my colleagues on the to not support the pending motion.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, having been in the business of providing Section 21 and Section 29 services for about 18 years here in Maine, I can't agree with Representative Stuckey more in terms of the need for a smooth continuum of services.

One of the biggest weaknesses that we have right now is the fact that there is a glitch every time you transition from one level of need to the next. And what I believe his bill would do, given the fact that we have not consolidated the two waivers—21 and 29—is basically provide an additional level of support so that, as with many families, they can maintain their adult children with developmental disabilities in their home.

What it does provide is that level of support that will make it possible for them to live at home and still continue to work on developing career goals as well as more independence. That is, ultimately, what we are looking for. And of course, at some particular point, there may come a need to move into a higher level of support out of the home, but I think most families would much prefer to be able to maintain that support in the home if they possibly could. And, certainly, when it's in the home, the state is not paying for the cost of a lot of additional staffing, they're not paying for the cost of facilities and upkeep and those kinds of things. So, it is a more cost-effective model than with the Section 21.

So, I would urge you to go along with this particular proposal. I think it makes good sense. And, yes, there is a dollar attached, but ultimately, it will have a very positive impact upon the many people who can use this service and benefit by it. Thank you.

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

ROLL CALL NO. 526

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno,

Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Warren, Mr. Speaker.

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

ABSENT - Higgins, Long, Stearns, Welsh.

Yes, 82; No, 65; Absent, 4; Excused, 0.

82 having voted in the affirmative and 65 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Resolve was **READ ONCE. Committee Amendment "A" (H-608) 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-608)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-612)** on Bill "An Act To Protect and Promote Access to Sport Shooting Ranges"

(H.P. 1023) (L.D. 1500)

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
SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Representatives:

McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland

READ.

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

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

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

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I will be supporting this motion out of respect for my local police chief, but I personally do not agree with it at all. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker, Men and Women of the House, I'd like to speak today in favor of the pending motion. Maine's shooting ranges are truly unique, which is exactly why we need to take steps to protect their existence.

Municipal zoning ordinances, at least in the form that we'd recognize today, did not begin to take shape until the 1960's and 1970's. The goal? To separate or divide parcels of land into districts within municipalities in accordance with their nature and use in order to serve the public interest. In other words, to keep properties—residential, commercial, industrial, agricultural—with similar uses in proximity to one another with the result being the preservation of desirable aspects within that district.

Further, these ordinances define permitted and conditional uses in each zoning district. A permitted use is allowed, while a conditional use may not be one that exactly fits within the district, but may after there has been a public process. Finally, there are non-conforming uses which may be "grandfathered" and are uses—activities, building types, lot sizes, etc.—that may have occurred on a parcel of property before a particular zoning ordinance went into effect. These "grandfathered" uses are allowed to continue, but may be regulated in some manner.

In the case of sport shooting ranges, many were established prior to the rise of municipal zoning ordinances and because of their perceived incompatibility with a particular zoning district, became grandfathered because they were non-conforming uses under those ordinances. This was likely done for one of two reasons. To one, allow local governments the ability to avoid rendering a property useless and being liable for damages, and two, being perceived as unfair and creating a hardship. While grandfathered status conveniently permits shooting to continue, it does not go without the threat of ordinances, regulations, and in some cases permitting and inspection that could in effect cause closure or severely limit sport shooting activities. This can result in loss of membership, reputation, and be detrimental to sport shooting range finances.

In the past, the Maine Legislature recognized this by exempting sport shooting ranges from regulation based on noise, but other threats still exist. So why are sport shooting ranges unique and therefore deserving of protection? One would be hard pressed to find a zoning district in many municipalities where a sport shooting range would be listed as a permitted or conditional use. When we lose a sport shooting range, the opportunity to replace it with another on the other side of town would be extremely difficult, if not impossible.

The threat of sport shooting range closure is a pressing issue, especially in southern Maine. That said, ranges in Orrington, West Gardiner, and Lisbon are facing issues today. Many ranges were initially built in unpopulated areas, away from homes and neighborhoods; kind of like farms, working waterfronts, and airports. Over time, things have changed and people have intentionally built homes in proximity to sport shooting ranges. In some case, neighbors make claims. The burden of proof becomes the responsibility of the range rather than the accuser. When the avenue for redress is a political body like a town council or select board, concrete evidence of wrongdoing may not be a requirement and a new statute may ensue.

While the best intentioned regulations may be created, in reality there is not an authoritative set of standards that can be applied to all shooting ranges. This creates a clear problem. Even the NRA Range Source Book which is a recognized resource for builders and operators, very clearly states that "All information contained within is in the form of suggested practices only, and no standards are stated or implied." Given this reality, municipalities may be put in a position to regulate without concrete guidelines to go by. The real experts in shooting range construction and use are those who operate sport shooting ranges.

The final, amended language for LD 1500 clears up a number of issues with regard to future expansion of activities and adherence to building codes and zoning ordinances stakeholder groups raised. I would like to thank these opponents and proponents for helping us arrive at an amendment that both addresses the concerns of sport shooting ranges and the municipalities in which they reside. The Judiciary Committee also did incredible work on this amendment.

The loss of places that promote safe firearm handling skills and education, as well as provide places for hunters, law enforcement, and citizens the ability to hone their skills is without a doubt a threat to many Mainers' way of life. Recognizing this, Maine's Department of Inland Fisheries and Wildlife is currently awarding grants using Pittman Robertson funds for shooting range access improvement projects to municipalities and nonprofits across the state. Sport shooting ranges are necessary. The pending motion deserves your support. Thank you, Mr. Speaker.

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

ROLL CALL NO. 527

YEA - Alley, Austin, Battle, Beavers, Beck, Bickford, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Chenette, Cooper, Corey, Crafts, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, McLean, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - Babbidge, Bates, Beebe-Center, Blume, Brooks, Burstein, Chapman, Chipman, Daughtry, Grant, Hamann, Harlow, Hymanson, Kruger, Mastraccio, McCreight, Melaragno, Monaghan, Moonen, Rotundo, Russell, Rykerson, Sanborn, Stuckey, Tucker.

ABSENT - Long, Welsh.

Yes, 124; No, 25; Absent, 2; Excused, 0.

124 having voted in the affirmative and 25 voted in the negative, with 2 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-612) 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-612)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 573) (L.D. 1475) Bill "An Act To Facilitate the Use of State Education Subsidies" (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-388)**

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.

(H.P. 1011) (L.D. 1488) Bill "An Act To Establish the Law Enforcement Assisted Diversion Program in Maine" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-611)**

On motion of Representative FREDETTE of Newport was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill comes before us and as the bill would imply, "An Act To Establish the Law Enforcement Assisted Diversion Program in Maine," some of you may recall the work that we did earlier this session in regards to working the local communities in regards to the drug issue and whatnot.

The issue in regards to this bill, at least my research has shown is, is there's a \$2 million fiscal note associated with this bill. Now, as we've talked about a little bit before, the problem that we have before us is not whether or not we support this bill; it's a question of whether or not we are going to be fiscally responsible in managing our resources, because while this is a good bill, and I would support its intent, the issue is, my understanding first of all is it would take a while to implement the bill, but second of all that it has a \$2 million fiscal note. And at what point in time are we going to send the message that we cannot continue to fund bill after bill after bill after bill? There has to be a process. There has to be a prioritization of bills.

And again, I would submit to you, I think that can best be done with a supplemental budget; a supplemental budget put forth by the Chief Executive when we come back in about eight months. And so, while I support the intent of this bill, I cannot continue to support spending more money and sending more bills down to Appropriations because we want to feel good about it instead of being fiscally responsible. So, while I support the bill, I would ask my colleagues to follow my light in not supporting the bill, not because we don't support its intentions, but because we have to send the message that we need to be fiscally responsible. Thank you, Mr. Speaker. And, Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report**.

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

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, briefly, I had the honor of sitting on a committee where we dealt, in part, with this issue as an observer and I learned a lot. And one thing I did learn is that there are too many people that represent a cost by sending them to jail with no alternative, or to prison with no alternative.

This gets us in a direction where we can save money, in terms of jail cost and prison cost by having these types of programs. So, this right here is going to cut into what I understand is a \$97 million rainy day fund that has been touted over the past month. Yes, and even the bills that are on the table in Appropriations may do so. But it seems there's still a cushion of maybe \$10 or \$15 million where this can be absorbed at only \$2 million and I think that it may even not cut into it if we look at the cost savings in terms of less people going to jail because of the diversion policies that this would set up. Thank you.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I happen to be co-chair of the Substance Use Disorder Task Force in Portland and we have already taken some steps in Portland to basically begin to implement this kind of a model. We did a lot of research in advance. We talked to the people in Seattle, Washington and other cities where they have implemented this particular kind of an approach and we find that it is effective not just in terms of diverting people from our correctional system, but it's also very valuable in terms of diverting people from their usage because it does take and move these people, many of whom are not just dealers, but also users, into a treatment modality. The big trick now is finding appropriate treatment modalities within the State of Maine that are within the cost structure of the program and I believe that that's a part of what this bill is all about.

But, anyhow, it was something that was submitted by the group of cities who really feel like this is an extremely important direction because it does make a significant effort to try and get to people before they get deep into the issues and potentially risk their lives. Thank you very much.

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, I rise to do two things: one, to support the bill because I think it's a good bill, but also to send a message that I sure wish we had a supplemental budget.

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

Representative **DION**: Good morning, Mr. Speaker, Ladies and Gentlemen of the House, first I'd like to comment on my good friend from Newport, that I appreciate the points he's raised. Ones in terms of the budget and secondly, in his expression of support for this bill. I need to ask this chamber to consider what I should tell families when I return home, that are confronting the heroin crisis.

In my previous life, I saw a crisis as a situation that called for extraordinary measures. If it did not, then we didn't have a crisis, we had a problem, and problems fit neatly into a timeline, both in terms of the decisions we make in the moment and the budgets we need to support those decisions. I think the evidence to my

mind is clear that we face an unprecedented public safety and public health crisis in this state. We have families that are clamoring at all levels of government for help. I appreciate the work of the Judiciary Committee, led by my good friend from Saco. I think they came to the right conclusion. They, too, can see the evidence before them. I'm no fool. I'm no rookie. I truly understand that \$2 million is a significant demand on our limited resources. And death is a significant impact on the families that we have sworn to represent in this chamber. I ask for your consideration on their behalf.

Now, this is an important bill in another fashion. For those of you who have not read its contents, it assigns the role of leadership to local communities. It doesn't present the idea that Augusta has the best solution to this crisis. It presents the idea that we, in this chamber, recognize the challenges faced by our local leaders who are answerable to the families in their jurisdiction and they are best positioned to develop the strategies and responses that will satisfy the expectations of their constituents. This is about recognizing a statewide epidemic and providing the latitude for communities to develop their own leadership on this issue with our support.

So, yes, my good colleague from across the aisle is correct: this does raise questions of fiscal responsibility, but it also underlies the moral accountability we have as representatives of the people. And I am confident in the good sense and the best intentions that this body could exercise in making an appropriate budget decision. Thank you, Mr. Speaker.

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

ROLL CALL NO. 528

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

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

ABSENT - Long, Welsh.

Yes, 91; No, 58; Absent, 2; Excused, 0.

91 having voted in the affirmative and 58 voted in the negative, with 2 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-611) 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-611)** and sent for concurrence.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-570)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Distribution and Off-site Storage of Spirits by Licensed Reselling Agents"

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

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

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

Subsequently, Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

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

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to support the Majority Ought to Pass Report, which would allow reselling agency liquor stores to process orders from their storage facility. And for a little bit of background, much like how individuals have to buy our spirits from agency liquor stores, bars and restaurants are required under state law to buy their spirits from licensed agency resellers and that's the people that this bill tries to help.

So, under current law, an agency reseller is allowed to have one offsite storage facility and this recognizes the fact that bars and restaurants can be pretty significant accounts, sizeable accounts for their clients and storage can be demanding. However, under Maine's liquor license or liquor regulations, orders cannot be processed at the storage facility. So, what this means is that if a delivery truck fills up at the storage facility, they can't just drive straight to the bar or restaurant to deliver. Instead, they have to drive first to the agency liquor store and then out to deliver to the customer. So, to me this is an overly onerous and unnecessary step. That's what this bill tries to correct and that's why I submitted this bill. If passed, LD 1508 would allow orders to be processed at the storage facility so drivers can fill their trucks and go straight to delivery. It cuts out that middle step, which is unnecessary.

I do want to be clear on a couple things because I've heard that this could allow the possibility of opening a new liquor store. That's not the case. In this bill it specifically says individuals cannot go to the offsite storage facility to buy liquor. So, individuals can't buy their liquor there. This is simply a way that allows the orders to be processed at the warehouse.

I've also heard concerns about the current law, which allows the offsite facility to be located within 30 mile radius of the store, and that subsequently allowing this to happen may increase competition in certain markets. A point that I just want to be clear about is that in the State of Maine, we're a controlled state. The state determines the price of liquor. Liquor stores can't undercut each other. Everybody has to sell spirits at the exact same price. And so, you can't move in and undercut somebody's prices. If there were any increased competition, it would be based on customer service only, which I don't think is necessarily a negative thing.

So that's what this bill does in a nutshell. If this Report were to pass, there is potential amendment coming that would reduce the mileage to 20, which I can't talk about. But I hope that you'll consider voting for the majority Ought to Pass Report. I think this does remove an unnecessary step that we're putting on our storage facilities. Thank you, Mr. Speaker.

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. In order to really understand the implications of this bill, I think people need to understand how the liquor system is set up currently. So, my good friend from Ellsworth is correct: the liquor store owners cannot undercut each other.

However, here's the thing: when you apply for a liquor license and you are granted it, you are required to have a minimum of \$10,000 worth of stock in your store at all times. That is a minimum. In addition to that, the state regulates very tightly what you can charge for a rate. They manage all the specials, all the sales, whether you're buying it in Kittery or you're buying it in Madawaska, you are paying the same exact rate. The reason that people are willing to do that is because they have guaranteed market share. That market share is allocated specifically by population density. So if you have a facility, a retail store, in Bangor, you are guaranteed a certain market share based on the population density.

The reason that I feel strongly about the current motion before us is because what this does is it means that people can actually distribute their liquor, not from the original retail establishment which is where the market share is based on, but any warehouse within 30 miles. That dramatically changes competition. The point is that the market share is allocated based on the retail establishment. When you change the location of where that product comes from, you are, by default, changing, quite dramatically, the market share. So if you are an owner that had invested a minimum of \$10,000 into your store and you were specifically required to sell products at a very specific margin, more than likely you would be expecting your profits and your revenues to come in based on the market share.

Now, if someone is able to come in and dramatically change that market share, it is also going to dramatically change what you're able to make for profit. We have had a relationship with our licensees. They entered into this relationship knowing that they were going to be able to have a predictable amount of income. This bill would dramatically change our contract with our licensees.

If we were to overturn the current motion, we would be able to get to the same result that people are asking for, but without the significant market share changes. If you want to change the market share of the liquor license system, we should upend the liquor license system, Mr. Speaker. That's what this does. Thirty miles is a huge amount of territory, especially when you get into more urban markets. This really upends the relationship that we have created with our licensees. This is not a free market

system. If it were, this wouldn't matter. If we would like to move to a free market system, then we need to have that conversation and we need to completely change our relationship going forward with our liquor licensees.

This bill, if we were to upend the current motion and go to the second motion, the underlying amendment, it would still address the issues that are at hand without dramatically undermining the entire market share. If you want your local liquor licensees to be able to make money, we need to overturn this motion. If you would like to completely upend the liquor license market, then you should vote for this motion. But I would argue even in doing so, you should probably vote for a different, completely different bill, one that would ultimately take away the current three-tiered system and move to a free market system. Let's not undermine our small business owners who have invested tens of thousands of dollars all across this state. There is another, better solution—a much more modest solution—that would not have the dramatic impact that this particular motion currently has. Thank you, Mr. Speaker.

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

Representative **JORGENSEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I think that my colleague, Representative Russell, outlined a lot of the issues that also concern me. But in the matter of LD 1508, for me, I would just note that distributors and anyone else who even touch liquor in this state have all grown and flourished all while being fully aware of and compliant with a very Archaean ecosystem of rules and laws that govern the whole distribution and selling of liquor in the state. It's part of the three-tier system that's Maine's responsibility as a so-called "control state."

This bill, as proposed, will tilt this already very complicated playing field in favor of larger resalers and, at best, a very small handful of businesses. It's a measure that I understand appeared before this body, where it was rejected 10 years ago, and I think that there's really a problem here then the Minority Report five mile compromise that is also out there, will provide a reasonable remedy to that problem.

Most of the bill we deliberate in this chamber result for better or for worse, and in winners and losers. That's how the system works and I understand that. But to get my support, the public benefit has to equal or outweigh the cost to those who stand to lose from the measure, and in this case, the only real winner here appears to be a small group of businesses—perhaps only one—and the losers appear to be a far larger group of their competitors, and by extension, the public. Thank you, and please vote against the motion on the floor. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I stand in support of the Majority Ought to Pass motion. I view this bill as a pro-business and an anti-in-town-road-congestion bill. This motion allows a business to have a warehouse in a non-adjacent location. In many cases, this would keep delivery trucks outside the congested in-town location of the business. Requiring a business to drive 30 miles to, in effect, tag the home store location is wasting gasoline, creating more traffic congestion, and costing Maine businesses money that they could use to employ more people. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition of the pending motion. I'm not going to argue that this is not a good

business bill. It is, indeed, a good business proposal for one business within a large industry. My concern is, should we, as a body, be passing legislation that benefits one business to the detriment of many others within an industry?

If the argument is that this is a storage issue for a reseller, then current law already allows for a storage facility within 30 miles of the agency store. If the issue is one of distribution, there is nothing that currently prevents any reseller, if the market allows, from following already established rules and regulations to open an additional agency store near desired markets to allow for distribution to bars and restaurants in that area. If this is about the desire to expand a portion of a reselling business and to other existing markets currently serviced by smaller resellers, then the same holds true as I just stated. Other resellers have followed the current process and existing law to do just that. I ask that you vote against this proposal and allow us to move on to the Minority Report. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, we talk about free enterprise, we talk about encouraging the business community, and I think that's what this bill does. Thirty miles? I drive 30 miles to go to a movie. When you live in the woods, you pay the price and I'm okay with that. But, to say you can't have a warehouse and distribute from it, it just doesn't make sense to me. Shipping directly from a warehouse is logical, it's done in most businesses that I'm aware of, and it just doesn't make sense for us to, again, be dabbling in businesses that we really don't understand. So, I'm going to be supporting the bill. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, there's two milestones that are happening today. One is that I listened to the entire testimony of my good friend, Representative Russell, and the second milestone that's going to happen today is that I'm going to vote against the pending motion, along with my good friend, Representative Russell. Please follow our lights.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, I rise in opposition to the pending motion. As everybody knows, I'm very pro-business, but this bill's put in to protect one business. And I don't think we should be doing legislation for one business.

My biggest issue on this—and I've been trying to find it in the Report—if this change is made, we have tens, or maybe hundreds, of businesses that are going by the old rules that will change how they do their business. And I haven't been able to find the negative fiscal note on this that will cost the state a lot of that money if those people change the entire way they do their businesses. So, I think it puts them at a huge disadvantage for, not just for the state's side, but these other businesses have spent hundreds of thousands of dollars—maybe millions of dollars—throughout the state and gone by the current rules. And now, we're telling them that we're going to allow one business to rewrite the rules for them.

Also, you know, everybody's talked about—this has probably been one of the most lobbied bills out in the halls—but, when I was being lobbied on this bill, they said that it was for this motion right here, so that they would be closer to the interstate. And the two companies that they were talking about, I said, "Do you actually know where these businesses are, because the business in question is actually closer to the interstate than the business in

Portland." So, I thought that was kind of interesting, while I was getting lobbied. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, I'm really kind of confused by this bill and I'll pose a question through the Chair after I make this comment, but I look at this as kind of pro-business, here. I mean, we're looking at businessmen, they want to be able to distribute from their warehouse directly without having to go directly through their point of sale stores. And, I guess, what I'd look at that as, I'd look at that as maybe making LL Bean run all their catalogs through their store registers, all their catalog sales. I mean, that's just not possible. And I think we ought to let businesses do what they feel is the best model for them, so I would pose a question through the chair, because we've heard a lot here today about, "This is for one business." And the question I would pose is, are the other businesses not allowed to operate under this law, should we pass the Majority Ought to Pass Report, or can they, too, participate?

The SPEAKER: The Representative from Chelsea, Representative Sanderson, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to answer the question of the Representative from Chelsea. I think that's a great point. Any business, if we pass this law, could follow this law. This isn't intended just for one. The problem is that the current storage laws make it functionally irrelevant to have a storage facility, because of the transportation laws that you have to go to your store before the customer. So, if we pass this, any business who's an agency reseller—there's about 200 in the state—would be able to process orders from their warehouse.

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

Representative **RUSSELL**: Thank you, Mr. Speaker, I'd also like to answer the question if I may.

The SPEAKER: The Representative may proceed.

Representative **RUSSELL**: Thank you. It's a great question and yes, anyone would be able to participate in this. The difference is that the market share would get upended. This is not LL Bean. LL Bean operates under a free market system with very different rules. This is not a free market system. This is a market that is basically an oligopoly that is state run. If we would like to move to an LL Bean system, we need to change the parameters by which we allow our businesses to operate. They are based on very specific market share and when you have market shares based on population density, it is a very different perspective for someone who is from Embden and has a liquor store that has many, many miles of market share versus a liquor store that is in Bangor and has a very different density in market shares. So when you start getting into that 30 mile radius, especially when you get into the urban centers, it makes it very difficult to be able to say that there is equitability in the application of the law. Again, if you want to move to a free market system, you need to do it across the board. You can't just upend it through the back door.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I guess I'm a little

concerned about the unintended consequences of this and I'd like to pose a question through the Chair, if I might?

The SPEAKER: The Representative may pose her question.

Representative **SIROCKI**: Thank you. With the public testimony that was heard, could someone tell me if there was concern that if we made this change, if it's true that potentially smaller stores would struggle with this and this would give an advantage to the larger stores? Thank you.

The SPEAKER: The Representative from Scarborough, Representative Sirocki, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, just to clarify a couple of things. The first is, which has already been said, but just to clarify, under current law every reseller in Maine is already allowed to have an offsite facility within 30 miles of their agency store. The other thing I want to point out is that spirit resellers do not have franchise territories. There's no policy to grant them geographic protections from competition. Like most other businesses, they do operate—I contend that they do operate, actually—in a market where they are competing with each other for customers. They may not have different prices than their competitors, but they are competing based on the kind of customer service that they can offer, and we need to move out of the way so they can continue to do that.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, you don't have to be a rocket scientist to figure this bill out. It's a dog in the manger bill, where one person, one company, succeeds at the expense of the others. Thank you.

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

ROLL CALL NO. 529

YEA - Austin, Blume, Chace, Cooper, Davitt, Duchesne, Dunphy L, Espling, Gideon, Goode, Grant, Grohman, Guerin, Harrington, Hawke, Hubbell, Kinney J, Kornfield, Kumiega, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCreight, McLean, Nadeau, O'Connor, Pierce T, Rykerson, Sanderson, Saucier, Schneck, Seavey, Theriault, Tucker, Ward, Mr. Speaker.

NAY - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Corey, Crafts, Daughtry, DeChant, Devin, Dillingham, Dion, Doore, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gilbert, Gillway, Ginzler, Golden, Greenwood, Hamann, Hanington, Hanley, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hymanson, Jorgensen, Kinney M, Kruger, Lajoie, Lockman, Lyford, Maker, Malaby, Marean, McCabe, McClellan, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Sanborn, Sawicki, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Warren, White, Winsor, Wood.

ABSENT - Long, Welsh.

Yes, 38; No, 111; Absent, 2; Excused, 0.

38 having voted in the affirmative and 111 voted in the negative, with 2 being absent, and accordingly the Majority **Ought to Pass Report was NOT ACCEPTED.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-570) 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-570)** and sent for concurrence.

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

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

(H.P. 1093) (L.D. 1602)

TABLED - March 22, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-574) was READ** by the Clerk.

Representative McCABE of Skowhegan **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-574).**

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-574). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 530

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

Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Long, Welsh.

Yes, 149; No, 0; Absent, 2; Excused, 0.

149 having voted in the affirmative and 0 voted in the negative, with 2 being absent, and accordingly **Committee Amendment "A" (H-574)** was **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-574)** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Amherst, Representative Lockman, who wishes to address the House on the record.

Representative **LOCKMAN**: Mr. Speaker, may I pose a question through the Chair addressed to the Representative from Skowhegan, Representative McCabe?

The SPEAKER: The Representative may pose his question.

Representative **LOCKMAN**: Thank you, Mr. Speaker, on March 15th, Majority Leader McCabe moved to Table Unassigned, LD 1652, An Act Regarding Municipal Immigration Policies. The Tabling motion passed on a straight party line vote. Passage of the Tabling motion effectively killed 1652 without debate and without public hearings. I rise to inquire through the Speaker 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, Mr. Speaker.

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

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

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

TABLED - March 22, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Subsequently, Representative McCABE of Skowhegan **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous Committee Report.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Unanimous Committee Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 531

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman,

Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Long, Welsh.

Yes, 149; No, 0; Absent, 2; Excused, 0.

149 having voted in the affirmative and 0 voted in the negative, with 2 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-583)** 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-583)** and sent for concurrence.

Bill "An Act To Create Community Substance Abuse Programs"

(S.P. 686) (L.D. 1674)

- In Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

TABLED - March 24, 2016 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** in **NON-CONCURRENCE** and sent for concurrence.

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-591)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Requiring the University of Maine System To Provide Supportive Services to Student-veterans"

(H.P. 1104) (L.D. 1625)

TABLED - March 24, 2016 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-591)** was **READ** by the Clerk.

On motion of Representative FREDETTE of Newport, **TABLED** pending **ADOPTION of Committee Amendment "A" (H-591)** and later today assigned.

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)

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

- In Senate, 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**.

TABLED - March 28, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - FURTHER CONSIDERATION.

Representative SAUCIER of Presque Isle moved that the House **RECEDE AND CONCUR.**

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

Representative **MARTIN:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion, which is not an easy task for me because I have the highest respect for my seatmate, House colleague, and good friend, the good Representative from Presque Isle, Representative Saucier. I want to remind the Members of this body that just a week ago this body accepted the Ought Not to Pass Report by a wide majority. The bill is still opposed by the University of Maine System, still opposed by the Maine Community College, still not in the best interest of the University of Maine at Fort Kent, and clearly not in the best interest of the pellet distributor and the manufacturer of the pellets up there. Thank you.

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

Representative **FREDETTE:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just briefly want to speak to this motion as well, and I will also be opposing the motion. As the good Representative from Sinclair, Representative Martin, indicated, this was an issue that we just recently had talked about and voted on in this body. My understanding is this is an issue that the University has taken care of, it has been resolved, and I don't see any need for this piece of legislation so I'd ask you to follow my light in opposing the current motion. And I do request a roll call, Mr. Speaker.

The same Representative **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

The **SPEAKER:** A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 532

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Daughtry, DeChant, Devin, Duchesne, Dunphy M, Edgecomb, Evangelos, Farnsworth, Fecteau, Gilbert, Grohman, Hamann, Herbig, Hickman, Hobbins, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Mastraccio, McCabe, McCreight, Moonen, Morrison, Powers, Russell, Rykerson, Saucier, Schneck, Short, Stuckey, Tepler, Tipping-Spitz, White, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Cooper, Corey, Crafts, Davitt, Dillingham, Dion, Doore, Dunphy L, Espling, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Guerin, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hogan, Hubbell, Kinney J, Kinney M, Kruger, Lajoie, Lockman, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McClellan, McElwee, McLean, Melaragno, Monaghan, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Winsor, Wood.

ABSENT - Long, Sanborn, Welsh.

Yes, 49; No, 99; Absent, 3; Excused, 0.

49 having voted in the affirmative and 99 voted in the negative, with 3 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

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

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

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-604) - Committee on **JUDICIARY** on Bill "An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances"

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

TABLED - March 28, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, on motion of Representative **MARTIN** of Eagle Lake, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

HOUSE DIVIDED REPORT - Majority (7) Ought Not to Pass - Minority (6) Ought to Pass as Amended by Committee Amendment "A" (H-607) - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Assist Maine Citizens Residing along Public Easements"

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

TABLED - March 28, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-584) - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans Regarding Enhancements to the Bureau of Maine Veterans' Services"

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

TABLED - March 23, 2016 (Till Later Today) by Representative **GIDEON** of Freeport.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-584)** was **READ** by the Clerk.

Representative **GOLDEN** of Lewiston **PRESENTED House Amendment "A" (H-613)** to **Committee Amendment "A" (H-584)**, which was **READ** by the Clerk.

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

Representative **GOLDEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, this amendment stems from the Commission to Strengthen and Align Services Provided to Maine's Veterans. The Commission was created last session with unanimous support from the Legislature. The Senator from York, Senator Ron Collins, joined me in chairing that commission and we had the pleasure of serving alongside the Senator from Kennebec, Senator Earle McCormick, and the Representative from Ellsworth, Representative Luchini, the Representative from Limington, Representative Kinney. We were very privileged to have Adria Horn, the Director of the Bureau of Veterans Services, on the Commission, and a number of veterans, to include former General John Libby, Alley Smith, Matthew Murphy, Adrian Cole, and Randy Liberty.

The commission report is available for all to read on the maine.gov website, and I believe a link has been sent in the past to the entire Legislature, and I would highly recommend that people take the time to read it. The Commission found that there are many programs and services available to veterans in Maine, but that too often, veterans are unaware of them or do not have the means necessary to access them. We believe it is the role of the state to inform veterans of those services and to assist them in assessing them.

The Commission recommends that marketing and outreach become a part of the core functions of Maine's Bureau of Veterans Services with, at a minimum, some of the following objectives: (1) Identifying veterans that live here in Maine. We found that in Fiscal Year 2015, it was estimated that approximately 140,000 veterans lived in Maine, but of those, roughly 76,500 are not enrolled in the VA healthcare system; (2) Increase awareness of the Bureau of Veterans Services. This agency does not have record of, nor contact with, many thousands of veterans that live here; and (3) Utilize media and technology to reach veterans and encourage them to self-identify, inform them about available services, and communicate with their families and loved ones as well.

With these recommendations in mind, this amendment provides a funding mechanism to meet those objectives and implement marketing and outreach as part of the Bureau's mission. Last year, the budget requested an outreach specialist position in the Bureau's budget requested, and received authorization to contract for that work. The Commission found that the outreach responsibilities of the Bureau will far exceed the 24 months of this contract and recommends making this a full time position. This amendment provides the funding necessary to make it permanent.

The Commission also found that the Bureau remains far too dependent upon paper records and is in need of better technology. The Commission recommends that the Bureau acquire a modern electronic case management system. Such a system would provide holistic and seamless services to veterans and enable the bureau to better track administered services, past and ongoing requests for services, and to maintain a record of communication with individual veterans. Director Horn told the commission that the lack of a case management system is

crippling to the agency. This amendment provides a source of funding to ensure that the Bureau is able to purchase the system that it needs.

We also found that the bureau currently has seven veteran service officers, which is roughly one for every 20,000 veterans. These officers had about 2,200 active cases each in October 2015. The Commission learned that one of our neighboring states, Massachusetts, has established a ratio of one service officer for every 12,000 veterans. With that in mind, this amendment provides the means to fund two new veteran service officers, bringing Maine's ratio to one for every 15,500. These officers are to be mobile, instead of the current seven positions that are fixed to an office location, so that they're able to travel this large and mostly rural state to meet veterans where they're needed most. Commission also heard from service officers employed by the American Legion. These national service officers helped provide similar assistance to veterans at the VA Togus Campus here in Augusta.

Over the years, veterans groups have struggled to maintain funding for these positions as charitable gaming has lost participation to commercial gambling and as membership declines mostly due to the switch from the draft to an all-volunteer military force. This amendment provides a funding source to replace lost revenues so that the state can provide these organizations limited, but much needed, tax relief that would allow the proceeds of sales to better fund these important service officers and their assistance to veterans.

Also, according to the Federal Department of Housing and Urban Development, the five year average between 2009 and 2015 was 151 homeless veterans in Maine. Last year we counted 96 homeless veterans in a single night in January. The Commission found that there is no single agency or position in state government dedicated to working on homelessness among veterans. The Commission found that the primary barrier to resolving homelessness among veterans is not a lack of resources, such as federal grants and vouchers, or rather the lack of coordination of resources and efforts by community providers, federal and state departments, and agencies that work together to provide housing and support services. The Commission believes that these efforts would benefit from a stronger leadership role by the state.

This amendment provides the funds necessary to support a position to address homelessness among veterans. It also doubles as a trained veteran service officer within the Bureau. It provides the Bureau a seat on the Statewide Council on Homelessness and requires it to work to develop a strategy to increase coordination, communication among state department and agencies. Collectively, this amendment brings together three bills, LD 1612, 11, and 1590. To provide the Bureau of Veterans Services with critically important resources to increase its capacity to advocate for and meet the needs of our state's veterans. It also provides a small measure of relief to our veteran groups so they can target limited revenues towards helping their members.

These are necessary resources, many of which should have been provided years ago, with two wars carrying on for well over a decade now and still ongoing in both countries. We have a new generation of veterans returning home to transition back into civilian life. They have new challenges and needs that are both similar and different from past generations, and we need to help the Bureau of Veteran Services evolve to meet those changing needs and challenges, while also improving the services that they're already offering to our other veterans of other conflicts, such as Vietnam and the Korean War. Really, what benefits this youngest generation will benefit all of our veterans as well.

I know something about those new challenges. As many of you know, I served in the US Marines as an Infantryman in both Afghanistan and Iraq. I will tell you, if you haven't been through it yourself, combat will change you. The experiences I had are the kind that stick with you forever. I'm a stronger person today for having gone through them, but some of the hardships that accompany those experiences remain. I've been fortunate, however. I got a lot of support when I got home from Iraq. I had committed family and friends and strong community support. I got into a great college and had an education benefit from the VA that paid for it, and I've been able to leverage job and life opportunities out of that.

But I've seen it play out at least a half a dozen different ways among the men that I served with, that unfortunately weren't nearly as positive for them. Some didn't get the support they needed. Some of them are dead now and they weren't killed in combat. Self-medicating and substance abuse can become a coping mechanism for many veterans. Without education and work opportunities, some veterans lose faith in themselves, and with that, they lose hope that things will get better.

So that's our job, Mr. Speaker: to do everything we can as a state to make sure that veterans get connected to the support systems that are out there for them. Veterans are not just wired very well for seeking out help until someone leads us to it. We've got a lot of pride and, unfortunately sometimes, that makes it difficult to ask for help. So someone's got to step up and say, "That's okay," and the state should play that role. I firmly believe that with this amendment, this legislation moves the state into a stronger position to do that.

This process, from the bill that created the Commission to the work of the Commission to the unanimous committee votes that reported out this legislation, has been bipartisan. I'm proud of that and I really appreciate that as well. I hope we can continue that and work together to complete this process as a single body. I know that we all want to do right by our veterans because we appreciate their service and we care about them. I hope that this is an opportunity to build consensus, move forward with a continued bipartisan effort. I ask for your support and I ask that you follow my lead in support of this motion. Thank you, Mr. Speaker.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **ADOPTION** of **House Amendment "A" (H-613)** to **Committee Amendment "A" (H-584)** and later today assigned.

ENACTORS

Emergency Measure

An Act To Clarify Financial Responsibility in Gestational Carrier Agreements

(S.P. 594) (L.D. 1532)
(C. "A" S-427)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow the Public Utilities Commission To Contract for Liquefied Natural Gas Storage and Distribution

(H.P. 600) (L.D. 881)
(C. "A" H-600)

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

(H.P. 686) (L.D. 991)
(C. "A" H-596)

An Act To Protect Victims of Sexual Assault

(S.P. 575) (L.D. 1477)
(C. "A" S-436)

An Act To Modernize and Consolidate Court Facilities

(S.P. 590) (L.D. 1528)
(C. "A" S-437)

An Act To Encourage Roller Derby

(H.P. 1062) (L.D. 1559)

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

(S.P. 625) (L.D. 1574)
(S. "A" S-431 to C. "A" S-366)

An Act To Continue To Provide Group Exemption Passes to State Parks for Persons with Disabilities and To Ensure Transparency for Certain Fees

(H.P. 1075) (L.D. 1584)
(C. "A" H-599)

An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals

(H.P. 1092) (L.D. 1601)
(C. "A" H-590)

An Act To Exclude from Sales Tax Certain Sales by Civic, Religious and Fraternal Organizations

(S.P. 651) (L.D. 1613)
(C. "A" S-430)

An Act To Eliminate Inactive Boards and Commissions

(H.P. 1103) (L.D. 1624)
(C. "A" H-598)

An Act To Simplify and Expand the Educational Opportunity Tax Credit

(S.P. 678) (L.D. 1657)
(C. "A" S-438)

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

Resolves

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

(S.P. 659) (L.D. 1621)
(C. "A" S-433)

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

COMMUNICATIONS

The Following Communication: (S.C. 902)

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

March 28, 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 Inland Fisheries and Wildlife, the nomination of Gunnar J. Gundersen of Walpole for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Donald F. Dudley of Patten for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on Inland Fisheries and Wildlife, the nomination of Richard A. Fortier of Caribou for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Upon the recommendation of the Committee on State and Local Government, the nomination of David R. Ciullo of Springvale for appointment to the State Civil Service Appeals Board.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 903)

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

March 28, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on State and Local Government on Bill "An Act Relating to the Creation of Public-private Facilities and Infrastructure" (H.P. 884) (L.D. 1298), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 904)

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

March 28, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Agriculture, Conservation and Forestry on Bill "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food" (H.P. 532) (L.D. 783), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 499)

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

March 28, 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 1516, "An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers."

This legislation would change the long-standing policy that police officers should be deputized by sheriffs only in cases of emergency. There are good reasons why municipal law enforcement officers are authorized to operate in very well defined jurisdictions except in cases of emergency. By removing the requirement that an emergency exist before a sheriff may deputize municipal officers, this bill would unnecessarily disrupt the well-balanced, layered approach to law enforcement that our state has adopted.

It is not difficult to think of the vast differences between the way municipal police departments and sheriff's officers are funded and administered. Those differences are important and serve to uphold the trust the public places in their elected officials, municipal officers and law enforcement personnel. Residents of some municipalities do not wish to spend limited taxpayers' dollars on an enhanced police presence. These residents rely on the State Police and sheriffs to offer policing services. Residents of some other municipalities place a premium on having well-staffed and well-paid local police departments that are dedicated to local policing. I believe the residents of municipalities who spend large sums to ensure the public safety of their municipality deserve to know their police will only be called to serve outside their local jurisdiction in cases of emergency.

For these reasons, I return LD 1516 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Clarify the Authority of County Sheriffs To Grant Law Enforcement Powers (EMERGENCY)

(H.P. 1041) (L.D. 1516)
(C. "A" H-529)

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

Representative **GROHMAN**: Thank you, Mr. Speaker, this bill started out as an effort to help school resource officers accompany students to offsite events. It ended up fixing a technical issue related to mutual aid in policing. That's why the bill title you see before you does not make mention of school resource officers. It ended up being an opportunity to improve the ability of all police departments to assist each other in a variety of operations. I think because of that, the bill's had a lot of support, including the endorsement of the Maine Sheriffs' Association, the Maine Municipal Association, and the Maine Principals' Association, a 21 to 1 Committee Report and 147 to 1 vote on Enactment.

Because I haven't had the honor of serving in a uniform, myself, I let others speak more to the technical side of how mutual aid works and why it's important and why it makes us all safer. But I will say in advancing this bill, I've had the opportunity to work with many in the law enforcement community, including many colleagues here in the House, and my admiration for those in the profession has been amplified greatly. I've learned a lot about what it takes to keep us safe and that arresting people is only a small part of that.

So, once again, the original impetus for the bill was to clarify law enforcement authority for the school resource officer. I think you'll all agree that the SRO is a key part of our school community and I think in these times we all feel better knowing that our schools have these officers. And they should have law enforcement authority when they accompany students to offsite events, like proms or athletic contests. That simply makes our children safer.

The Executive is correct. Present language in statute contemplates agency-to-agency agreements. That type of arrangement is much more broad and long standing. It's not suitable for carving out individual police operations, such as joint OUI road checks or individual officers to work on a specific project for a limited time. To say it another way, the bill adds to the present mutual aid agreement language, which is referenced. It makes it possible for individual officers like SRO's or detectives on a specific investigation to work together and I think it's a flexible and more efficient way to do things. In conclusion, I'd like to thank everyone who helped make this legislation better, including the Education Committee, the Criminal Justice Committee, the Attorney General's Office, and the Criminal Law Advisory Committee. I ask for your support to override the veto and enact this small, but important improvement.

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, please join me in supporting this legislation. This bill came out of committee with a 12-1 Ought to Pass Report, and also passed in this House just a few weeks ago, 143-1. This is commonsense legislation that clarifies the language, so police departments can continue providing services they have been providing for many years.

If this bill dies, so do many of the regional enforcement teams that keep our roads and kids safe. I have been a police officer for almost nine years and the Regional Impaired Driving Team,

which I'm a member of, is one of those teams which will be effectively disbanded if we do not clarify the language in statute. My team, which we stand to lose, takes dozens and dozens of impaired drivers off the roads of rural communities with currently inadequate police services. These roads are also the same roads which experience high rates of fatal alcohol-related crashes each year.

I agree with the Chief Executive that many police departments should regionalize. However, I don't think we get there by cutting existing regional efforts. Please follow my light to override the veto. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette and inquires as to why the Representative rises.

Representative **FREDETTE**: If I just may, Mr. Speaker, in regards to the title on the screen up here, it is different than, I think, the title that is indicated in the language. And my understanding is, it's because the title was changed in the bill. And so, I just wanted to clarify for any people that were actually looking at the veto message, then looking at the screen. They're not the same and my understanding is, is because the bill title was changed and I would simply ask the Speaker to clarify that for the body.

The **SPEAKER**: The Chair would answer in the affirmative, that the titles are different. The title in the veto message is An Act To Clarify the Authority of County Sheriffs to Grant Law Enforcement Powers, which is not reflected on the screen. We could try to make sure that it's reflected on the screen. I think that that is being requested so we will work to do that.

The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 1516 and I thank the good Representative Grohman for his work on that. I come from a small town in the western mountains where I was the police chief for 17 years and many, many times mutual aid was needed. But, we were under restriction that we needed to request it first and often times that created problems.

This bill will allow officers to have enforcement duties and they'll be able to take and have jurisdiction in towns, neighboring towns and so on, for special events and for things where school resource officers may need to be involved in, and should be involved in because they are law enforcement officers. So, therefore, I feel it's a good bill. I understand as well as the Chief Executive what the veto message said, but in this case, I have to say that I will be voting to override the veto and I ask you to follow my light.

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

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

ROLL CALL NO. 533V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart,

Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Long, Welsh.

Yes, 149; No, 0; Absent, 2; Excused, 0.

149 having voted in the affirmative and 0 voted in the negative, with 2 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

SENATE PAPERS

Bill "An Act To Clarify the Appointment Process"

(S.P. 690) (L.D. 1681)

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-443)** on Bill "An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners"

(S.P. 617) (L.D. 1565)

Signed:

Senators:

BURNS of Washington

JOHNSON of Lincoln

VOLK of Cumberland

Representatives:

HOBBS of Saco

EVANGELOS of Friendship

GINZLER of Bridgton

HERRICK of Paris

McCREIGHT of Harpswell

MONAGHAN of Cape Elizabeth

MOONEN of Portland

SHERMAN of Hodgdon

WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-444)** on same Bill.

Signed:

Representative:

GUERIN of Glenburn

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-443).

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-443)** 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-443)** in concurrence.

SENATE PAPERS

Bill "An Act To Increase Penalties for the Use of Violence against Firefighters"

(S.P. 692) (L.D. 1683)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

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

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau, who wishes to address the House on the record.

Representative **FECTEAU**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to Roll Call No. 518 on LD 1181, Roll Call 519 on LD 1637, Roll Call 520 on LD 1398, Roll Call 521 on LD 1465, Roll Call 522 on LD 1558, Roll Call 523 on LD 1146, and Roll Call 524v on LD 778, had I been present, I would have voted "yes" on each one.

On motion of Representative McELWEE of Caribou, the House adjourned at 12:55 p.m., until 9:30 a.m., Wednesday, March 30, 2016.