

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
31st Legislative Day
Thursday, March 31, 2016

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

Prayer by Pastor Kirk Winters, The Rock Church, Bangor.

National Anthem by Lisa Winters, Levant.

Pledge of Allegiance.

Doctor of the day, Marguerite Pennoyer, M.D., Scarborough.

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Ensure the Use of Environmentally Responsible Insulation Materials in Taxpayer-funded Building Projects"

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

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" (S-386)** in the House on March 29, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Replace a Statue in the National Statuary Hall Collection"

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

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-413)** in the House on March 29, 2016.

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

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 908)

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

March 29, 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 1529, "An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides."

In the past, the budget of the Fire Marshal's Office was year over year in the red, due to the flat fee structure that the Fire Marshal was forced to charge to inspect amusement rides. This imbalance was Fixed last session and now the budget of the Fire Marshal's Office is stable. Because this bill would impose a flat fee rather than an hourly rate, it constitutes a step backward and would risk throwing the budget of the Department of Public Safety into instability.

For this reason, I return LD 1529 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ** and **ORDERED PLACED ON FILE**.

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides (EMERGENCY)

(S.P. 591) (L.D. 1529)

(C. "A" S-382)

In Senate, March 30, 2016, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

32 voted in favor and 1 against, and 32 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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. 540V

YEA - Alley, Austin, Babbidge, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, 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, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, 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, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bates, Buckland, Chace, Chipman, Doore, Frey, Hobbins, Seavey, Stuckey, Welsh.

Yes, 141; No, 0; Absent, 10; Excused, 0.

141 having voted in the affirmative and 0 voted in the negative, with 10 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (H.C. 502)

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

March 31, 2016
Honorable Mark W. Eves
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Eves:

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

Health and Human Services

L.D. 885 An Act To Promote Enhanced Eligibility Verification in Maine's Welfare System

L.D. 1648 An Act To Amend the Laws Governing the Controlled Substances Prescription Monitoring Program and To Review Limits on the Prescription of Controlled Substances

Taxation

L.D. 1519 An Act To Amend the Tax Laws To Strengthen Charitable Institutions, Encourage Home Ownership and Manage Medical Expenses

L.D. 1667 An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes

Sincerely,
S/Robert B. Hunt
Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Improve the Maine Tree Growth Tax Law Program"

(H.P. 1157) (L.D. 1691)

Sponsored by Representative STANLEY of Medway. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative KUMIEGA of Deer Isle, the following Joint Resolution: (H.P. 1155) (Cosponsored by Senator BAKER of Sagadahoc and Representatives: ALLEY of Beals, BATTLE of South Portland, BEEBE-CENTER of Rockland, BLUME of York, BURSTEIN of Lincolnville, DEVIN of Newcastle, FOLEY of Wells, GILLWAY of Searsport, HARRINGTON of

Sanford, HAWKE of Boothbay Harbor, HUBBELL of Bar Harbor, KRUGER of Thomaston, McCREIGHT of Harpswell, PARRY of Arundel, PIERCE of Dresden, SAWICKI of Auburn, SUKEFORTH of Appleton, TUELL of East Machias, WELSH of Rockport, Senators: BURNS of Washington, COLLINS of York, GERZOFKY of Cumberland, JOHNSON of Lincoln, LANGLEY of Hancock, MIRAMANT of Knox)

JOINT RESOLUTION TO RECOGNIZE MARINE PATROL OFFICERS FOR THEIR RESCUE AND LIFESAVING ACTIONS

WHEREAS, the Maine Marine Patrol is responsible for the investigative and protective services work of the Department of Marine Resources, enforcing the State's marine resources conservation laws, rules and regulations; and

WHEREAS, the Maine Marine Patrol is responsible for patrolling the coast of Maine by land and aboard patrol vessels, protecting marine resources, coastal property and the public as the Maine Marine Patrol enforces applicable laws and investigates complaints and incidents; and

WHEREAS, marine patrol officers are highly trained professionals who undergo an extensive, thorough and time-consuming examination process; and

WHEREAS, a marine patrol officer must have knowledge of the laws and rules of the State, knowledge of search and rescue methods and knowledge of fish and marine life and their environment and habits in Maine coastal waters; and

WHEREAS, in a marine patrol officer's capacity as a law enforcement agent, an officer must show ability to use and maintain firearms, to communicate effectively, to endure strenuous physical activity and to quickly assess available facts and make sound decisions; and

WHEREAS, marine patrol officers serve our State proudly, protect our quality of life and exemplify the best character of our citizens, often putting their own lives at risk in public service; and

WHEREAS, we take this opportunity to salute the following marine patrol officers for their heroic rescue and lifesaving actions:

- Marine Patrol Sergeant Russell Wright, of Lubec;
 - Marine Patrol Specialist Mark Murry, of Marshfield;
 - Marine Patrol Officer Wesley Dean, of Warren;
 - Marine Patrol Officer Brian Brodie, of Lubec;
 - Marine Patrol Officer Benjamin Burnes, of Wells;
 - Marine Patrol Officer Brian Tolman, of West Rockport; and
 - Marine Patrol Specialist Corrie Roberts, of Lincolnville;
- now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the heroic actions of marine patrol officers and the dedication, commitment and efforts of these public servants; and be it further

RESOLVED: That we extend our appreciation to all the men and women who serve as marine patrol officers for their dedication to the people and to the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Marine Resources and to the individuals we recognize.

READ.

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

Representative **KUMIEGA:** Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, it's an honor and a pleasure to recognize the outstanding accomplishments of these fine men and women. They are shining examples of the important work the marine patrol does every day. The marine

patrol is a highly trained, specialized law enforcement organization. Lives and livelihoods of many coastal residents depends on their ability to carry out their duties and we thank them for their dedication and professionalism. Thank you, Mr. Speaker.

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

Representative **TUELL**: Thank you, Mr. Speaker, I would be remiss if I didn't draw attention to the heroic actions of the officers in the marine patrol from my own area way downeast. Not all marine patrol officers are special people and do some very incredible things out on the water that, those of you who aren't familiar with Washington County, the tides are really high, the coasts are really tricky, and the fog is really thick.

These folks in question here today, Mr. Wright, Mr. Brodie, and Mr. Murry, all exercise that extraordinary knowledge of Maine's coast and Washington County's coast to save the lives of fishermen and to prevent fatalities and accidents on the water. Down home, there's a group who has gone about setting up a memorial for lost fishermen because of the number of fishermen in the Lubec area, and even further down the coast towards the Machias area, who have lost their lives out on the water. So, I think it is extremely important that we pay honor and respect, all of the folks here today, but especially the three gentlemen from Washington County who have come a long way and done some great things for the marine patrol. Thank you, Mr. Speaker.

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

Representative **PIERCE**: Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen of the House, these fine gentlemen risk their lives every day. They go out in waters that we wouldn't go out in. They're a tremendous attribute to the fine training of the Maine Marine Patrol, which stems from the leadership down to every individual. They keep our waters safe from poaching. They're out at all times of the night, cold, rain, snow. They all should be thanked greatly for the service they do to keep our rural communities safe. Sometimes they're the first and only line of defense in rural Maine and I'd like to thank them.

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

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

On motion of Representative GATTINE of Westbrook, the following Joint Order: (H.P. 1156)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services may report out, to the House, a bill to establish a moratorium on rate changes related to Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65.

READ.

On motion of Representative GATTINE of Westbrook, **TABLED** pending **PASSAGE** and later today assigned.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Carol Ann Wood Mashaw, of Lewiston, who retired after 35 years in education. Ms. Mashaw was a kindergarten teacher for 17 years and a guidance counselor for 18 years at Sherwood Heights Elementary School in Auburn. She served in the Maine Education Association and was a recipient of the Counselor of the Year Award. We extend to Ms. Mashaw our congratulations on her retirement and offer her our best wishes;

(HLS 1171)

Presented by Representative BROOKS of Lewiston.

Cosponsored by Senator LIBBY of Androscoggin, Representative LAJOIE of Lewiston, Representative ROTUNDO of Lewiston, Representative GOLDEN of Lewiston.

On **OBJECTION** of Representative BROOKS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker, Women and Men of the House, I rise today to honor my mother who was an elementary school teacher for 35 years. She taught Kindergarten for 17 years and then was an elementary school counselor. She served in the union and I'm very proud of her and just wanted to rise to express my good wishes and thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to rise to congratulate my Kindergarten teacher. At the time, she was Mrs. Brooks, which makes sense, and I just wanted to rise just to give her that congratulations in person.

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

Recognizing:

Sally Quinn Johnston, of Gray, who retired after 23 years of teaching in Maine. Ms. Johnston began her career in Westport, Connecticut. She then taught in the Gray-New Gloucester Middle School and High School. A cancer survivor, she also has worked as an advocate. We extend to Ms. Johnston our congratulations on her retirement and offer her our best wishes;

(HLS 1177)

Presented by Representative BROOKS of Lewiston.

Cosponsored by Senator BREEN of Cumberland, Representative TIMMONS of Cumberland, Representative AUSTIN of Gray.

On **OBJECTION** of Representative BROOKS of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Brooks.

Representative **BROOKS**: Thank you, Mr. Speaker, Women and Men of the House, I rise today to honor Sally Johnston. She has touched the lives of hundreds of students, teaching in Gray-New Gloucester middle schools and high schools and I'm grateful that she's here today to receive this sentiment, and thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Mr. Speaker, thank you. Ladies and Gentlemen of the House, I, too, rise to congratulate Mrs.

Johnston. My children had the pleasure of being in her classes and I have to say, to this day, I still have some of the craft sewing items that my boys brought home to me and they will be things that I have cherished and will continue to cherish forever. Thank you.

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

Recognizing:

the Hampden Academy Unified Basketball Team, which won the Unified Basketball State Championship for the second consecutive year. Members of the team include seniors Kelsey Tripp, Kyle Townsend, Zach Ewing, Robbie Martin, Tyler Hewey, Dakota Clement and Chandler St. Clair; juniors Tessa Dinardo and Andrew Gendreau; sophomores Sarah Southard, Alex Ross, Isaiah Palmer, Josephine Trojecki and Kenny Brewer-Fraze; freshmen Eliot Small and Luke Kelley; managers Margaret Thurlow and Garrett White; and cheerleader Madison Springer. The team is coached by Andrea Lee and Linda MacDonald. We extend to all the members of the team our congratulations and best wishes;

(HLS 1173)

Presented by Representative DAVITT of Hampden.
Cosponsored by Senator CUSHING of Penobscot, President THIBODEAU of Waldo.

On **OBJECTION** of Representative DAVITT of Hampden, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Embden, Representative Dunphy, who wishes to address the House on the record.

Representative **DUNPHY**: Mr. Speaker, anyone who's followed Maine basketball, high school basketball, is aware of the fact that Valley High School in Bingham has run off a string of six consecutive state championships in Class D basketball a few years back. Not sure what's in the air or the water up there, but they just pulled off another one. So there must be something special because the boys from Bingham have once again won the gold ball for the 2016 tournament, capping a 21-0 undefeated season. It's a tremendous feat to win a state championship, but to win without losing a game all season long is pretty incredible. So, not only the community of Bingham, but the whole Kennebec Valley is extremely proud of these young men and I'm pleased that they're with us here today. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Guilford, Representative Stearns, who wishes to address the House on the record.

Representative **STEARNS**: Thank you, Mr. Speaker, I have a special affinity for Valley High School and the young men from Bingham. Several years ago, I was refereeing a middle school basketball game in the town of Guilford, and noticed these two little red headed twins that were just incredible. They were so incredible that I called my house and had my wife bring my son down to watch them learn how to play the game of basketball. This was a seventh and eighth grade game and these kids were in fifth grade. They were phenomenal.

A few years later, I was teaching a coaching class that's required in order to be able to coach in the state and low and behold I met their dad. A couple years after that, I landed over in Bingham as the Principal of the school and sure enough, these

two red heads were, I think, in eighth grade at the time. I stayed there three years. We never lost a varsity basketball game—probably mostly due to my leadership as principal—or maybe because of the fact that these two young men and the folks that played with them and their coach at the time were just absolutely phenomenal. As Rep Dunphy said, they went on to win 105 games in a row and it is really historically significant, I think, that these young folks, now coached by the red headed twins, the Hartwell boys, Luke and Jason, have once again run the table 21-0 and I'm just absolutely pleased that they could visit with us today.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants"

(S.P. 661) (L.D. 1628)

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro

CHENETTE of Saco

DAVITT of Hampden

LAJOIE of Lewiston

LONG of Sherman

NADEAU of Winslow

WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-420)** on same Bill.

Signed:

Senators:

ROSEN of Hancock

BURNS of Washington

Representatives:

GERRISH of Lebanon

THERIAULT of China

TIMMONS of Cumberland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-420)**.

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-446)** on Bill "An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in the State"

(S.P. 676) (L.D. 1655)

Signed:

Senators:

LANGLEY of Hancock
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
PIERCE of Falmouth
STEARNS of Guilford
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-447)** on same Bill.

Signed:

Senator:

EDGEComb of Aroostook

Representatives:

McCLELLAN of Raymond
POULIOT of Augusta

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-446)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-446)** 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-446)** in concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Provide Relief to Maine Ratepayers"

(S.P. 484) (L.D. 1339)

Signed:

Senator:

HILL of York

Representatives:

DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford

HIGGINS of Dover-Foxcroft

RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)** on same Bill.

Signed:

Senators:

WOODSOME of York
MASON of Androscoggin

Representatives:

DUNPHY of Embden
O'CONNOR of Berwick
WADSWORTH of Hiram

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-424)**.

READ.

Representative McCABE of Skowhegan moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 541

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

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

ABSENT - Chace, Doore, Frey, Grohman, Welsh.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-620)** on Bill "An Act To Clarify Medicaid Managed Care Ombudsman Services"

(H.P. 1021) (L.D. 1498)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HEAD of Bethel

HYMANSON of York

MALABY of Hancock

PETERSON of Rumford

STUCKEY of Portland

VACHON of Scarborough

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

Signed:

Senators:

BRAKEY of Androscoggin

McCORMICK of Kennebec

Representative:

SANDERSON of Chelsea

READ.

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

The same Representative **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 Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I invite you into the home of your parent neighbor, friend, or constituent. They have called you for help. They cannot, for the life of them, figure out the letter that arrived in the mail. They are perplexed, bewildered, dazed, confused and they are worried about their coverage. They have questions. They want answers. They are fearful of fines. They are worried about coverage gaps. They don't use e-mail. They aren't Web savvy. They don't know where to turn. They are hopeful that you can help.

Before you is a letter from Social Security telling them they are eligible to have their Part B Medicare Premium paid for by Medicaid. Before you is another letter from DHHS telling them they are ineligible to have their Part B benefits paid for by Medicaid. Who is right? Who do you believe? You pick up the phone to call DHHS, but due to heavy call volume you are directed to go online, or callback tomorrow. Your parent, friend, neighbor, constituent doesn't have a computer. You scratch your head and muddle through the lengthy letters that say one thing on page one, but something completely different on page four. You have your cognitive faculties before you and you can't figure out this stuff. You quickly realize why this senior citizen before you, suffering with health issues, memory loss, depression, you name it, could not possibly tackle this on their own. You wonder:

Who should you believe, CMS or DHHS? You yearn for a neutral, third party advocate that is an expert in helping you navigate this maze of conflict and confusion.

This is what a Medicaid ombudsman does. The role of an ombudsman is to act as an impartial advocate for Maine consumers. While some may argue this isn't needed; the Department can do this, I disagree. The Department determines who is eligible. Having them also decide when and whether mistakes were made is counterintuitive. It is like having a fox guarding the henhouse. There should always be a check and balances. It is the same reason why we have a separation between Executive, Legislative, and Judicial Branches of government. Each one performs their own duties, but each also serves as a check on the other.

An ombudsman is a check on the Department when it comes to MaineCare determinations. It is a crucial role, and one that has been provided for 15 years. The contract role ended July 29th. The Department not only thinks this role isn't needed; they believe that they can do it themselves. As a licensed health insurance agent who works directly with this population, I have first-hand witness that nothing could be further from the truth. Our most vulnerable Maine citizens—those who are disabled, elderly, low-income children and families, pregnant women, and those with serious medical needs need a neutral, third-party advocate to call upon for help.

This proposed legislation allows the Department to choose the Medicaid ombudsman. This ombudsman will have knowledge of all available resources, with relationships with Social Security, CMS, and DHHS. The right ombudsman will have a great working relationship with the Department. The Medicaid ombudsman will be responsible for privately raising funds and will work with the Department to determine eligible Federal matches, and/or appropriate grants to best serve Maine's most vulnerable population.

This will cost Maine tax payers nothing. And when you get those phone calls from a parent, family, neighbor, friend, or constituent asking for your help, you have the resource to direct them to. It is the Medicaid ombudsman. Mr. Speaker, I urge you and all my fellow members of this body to follow my light. Thank you, Mr. Speaker.

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, unlike the declining rates of uninsured children in most other states, in Maine the uninsured rate for children is actually increasing. More children are uninsured each year now than were the year before. This is partially due to confusion surrounding children's eligibility for MaineCare and CHIP and their parents' eligibility.

Families often receive communication from MaineCare that list eligible and ineligible family members. These communications frequently omit a family member or use the wrong income level to determine eligibility, leaving parents with the impression that they and/or their children are ineligible for MaineCare or CHIP, when in fact the children are eligible. The income eligibility determination for parents and children are different. Children are eligible for coverage at a higher income than their parents. Children are our most valuable population and should never be denied coverage when they are actually eligible. Having access to regular preventative care starting in childhood is crucial to growing into a healthy adult later in life. This access often depends on whether a child has MaineCare coverage. Sixteen hundred thousand Maine children are uninsured right now. Fifty-five percent of them are eligible for MaineCare or CHIP. That's over 8,000 children who could have

coverage and access to care who don't—for no good reason. An ombudsman will help ensure that these children obtain the coverage and access to care they need, are eligible for and are entitled to. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Mr. Speaker and Colleagues in the House, I rise in support of the measure and I do so for two reasons. One is my deep respect for the sponsor of this bill who has knowledge and experience in working with people, navigating the health care systems and options. The second is based on my own experience as a volunteer patient advocate for nine years and knowing how important it is to help people in this very stressful time, trying to understand their healthcare options. Thank you, Mr. Speaker.

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. Services have been provided from one entity for quite some time under the umbrella of being a Medicaid ombudsman program. The department has come forward and said this bill is actually the result of the fact that the Department chose not to renew the contract last year for outreach and educations previously provided by Consumers for Affordable Health Care because they felt as though they could fill those obligations of outreach and education without contacting an outside entity and expending taxpayer dollars. Regardless of whether it's state or federal, it is still taxpayer dollars.

Through the course of the work sessions on this bill, we gained knowledge in the fact that in the past some of the funding has been in questioned and right now, the program of which they are talking about is, is if a specific entity raises a certain amount of money privately, that can be matched with federal funds with the state being the agent to pull down the federal match. There has been letters from the AG's Office over the years cautioning that this is probably not appropriate, the way that we're doing it, and again, we had another ruling from the AG saying that going forward, we should not be doing it. We should be very cautious about it because it's not appropriate. The funding is a concern.

Also, going forward in the bill, because in the amended version, I'm pulling it up here, when it came to the funding and these questions were brought forward, the bill now states, "The Department shall contract for ombudsman services under this section as long as non-state funding is available." Well, if that's the way they're going to go, then a separate entity can continue to conduct these services by continuing to private fundraise. Also, one of the requirements for this ombudsman program is that it be Medicaid only. Medicaid only. If we're going to have a Medicaid ombudsman program, well then, let's create one that's in alignment with the long-term care ombudsman program that we have that is actually state funded and they do a tremendous, tremendous job and we, as a committee, have also voted to increase—hopefully and they will get that increase—their funding this year because of the job that they do.

We also have a child welfare ombudsman program. And with all due respect to the Representative from Calais, Representative Maker, when she's talking about children, we do have a child welfare ombudsman program in place, and if I understand correctly, she's talking about some dual eligibles who, they get kicked out when they go into the exchange program because they're children and then they need to get a denial from MaineCare before they can actually go on their parents' private health insurance. Well, that's a function that the ombudsman, being a Medicaid only program, and that's all we can use that

money for, would be a little inappropriate. You're kind of blurring the lines there a little bit.

The Department has added new member services. They have 20 new people manning the phones at the Department. They have member services to help guide individuals through the issues with the Department regarding eligibility. I beg to differ with my good friend and colleague from Scarborough, Representative Vachon in regards to the fox guarding the hen house. We have eligibility requirement workers and then we also have member services workers and these folks, it's not their job and it's not their desire to deny anybody if they're truly qualified. It is their desire to fully help these folks navigate the system and I believe they're really getting on top of doing that. These new 20 people, who they've had come on board, this is fairly recent and I think we should let the Department continue to do the job that they have been dedicated to in the last few years and really move this forward without going into an ombudsman program that has questionable funding. And actually the bill declares you can have no state funding. Thank you very much.

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

Representative **McCLELLAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House; I rise in favor of the bill before you, LD 1498, An Act To Clarify Medicaid Managed Care Ombudsman Services. Mr. Speaker, I work with people who have special needs and use many of the systems that we talk about here daily. I also hear from constituents often who struggle navigating the various systems of government we have in Maine. In my travels, I'm not comforted when I hear the Department has it.

This bill needs to pass, as there are many cases in which family members qualify for different kinds of coverage. The parents might be eligible for the Marketplace. The children might be eligible for MaineCare or CHIP, and this may change from year to year depending on fluctuating incomes, whether the parents are self or seasonally employed, things like that. A person might be eligible for Medicaid one year, then as a dual eligible for Medicare and the Savings Program the next. Not all eligibility specialists will be able to notice the nuances in a person's situation and help them to navigate the coverages they need. Nor, perhaps, should they. It's not their role. It's the role of an ombudsman we're talking about.

Mr. Speaker, families might also have split situations where the parents are divorced, but claim a child on alternating years. One year the father and child might be eligible for Medicaid and the next year, the mother claims the child, the child might be eligible for another program. Advising consumers about their options is a role for the ombudsman. That includes education about the programs, but eligibility specialists at MaineCare are not equipped to help with these situations and nor should they be. Their job is to make eligibility determinations when they receive applications. An ombudsman, however, can explain to the family what will happen in alternating years and what they will need to do each year and if there are difficulties along the way, they can advocate on behalf of that consumer to ensure that coverage isn't interrupted because of the nuances in their particular situations.

Mr. Speaker, in closing, I think I have to say, we have crazy benefits systems in this state and in the country. We nationally built an insurance program, and the focus was on making a website and hiring IRS agents. In building a healthcare system in Maine, I often wonder why we built a system that you have to have all these wavers for. That doesn't make sense for me. Why didn't we build it right the first time? This bill will clarify the ombudsman role and will provide the ombudsman support to

some of Maine's most vulnerable people so they can accurately navigate the DHHS system to get the help they need. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Men and Women of the House, I want to start out by saying three things. These services are required by law. Providing these services, by contract with a Maine nonprofit saves Maine taxpayer dollars. Providing ombudsman services ensure government accountability and Medicaid. The ombudsman role is crucial. These services ensure that some of the most vulnerable Mainers—we've already heard children, other older adults, people with disabilities, and people with low incomes—are able to navigate DHHS and get the medical care they need. This law will clarify the crucial services that should be provided by a contracted nonprofit as ombudsman.

Because the ombudsman services may be funded by federal matching dollars and money raised privately by the contracted nonprofit, these services do not cost the state any state dollars. This has the added benefit of allowing the state to fulfill outreach and education services required by federal law, without needing to spend any state dollars.

And I would end by saying this: I had the—I do not want to call it a pleasure—I want to call it the nightmare of going through a situation involving my mother- and father-in-law and trying to get them the coverage they needed and trying to weave myself through the process and I'm not a highly educated person, but I think I can understand things and I was confused myself as I was trying to go through the program. And I think it's something that's needed and the thing I like about this is that not everybody that needs these services can go to an office. We need to have ombudsman that can go to them and I would urge you to follow my light.

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. 542

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Harlow, Harrington, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Ordway, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Wood, Mr. Speaker.

NAY - Austin, Buckland, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gillway, Hanley, Hawke, Kinney J, Kinney M, Lockman, Lyford, Malaby, Nutting, O'Connor, Parry, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sirocki, Stetkis, Theriault, Timberlake, Timmons, Turner, Wallace, White, Winsor.

ABSENT - Campbell R, Chace, Frey, Skolfield, Welsh.

Yes, 114; No, 32; Absent, 5; Excused, 0.

114 having voted in the affirmative and 32 voted in the negative, with 5 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-620)** 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-620)** and sent for concurrence.

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

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

UNFINISHED BUSINESS

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

Joint Order, Directing the Joint Standing Committee on Veterans and Legal Affairs To Report Out a Bill Exempting Federally Recognized Tribes from State Gaming Laws for Certain Types of Gaming

(H.P. 1140)

TABLED - March 24, 2016 (Till Later Today) by Representative BEAR of the Houlton Band of Maliseet Indians.

PENDING - **PASSAGE**.

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

Representative **BEAR**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I rise today to restate what our goals are with respect to this proposal and that is to deal with what continues to be, unfortunately, an emergency situation with regard to high rates of unemployment, the need for additional revenue to operate tribal government programs that are short-term—one, two and three year—sometimes not renewable, too often times not renewable, so we scramble each year to deal with our budgetary needs which are capped, in a sense, and which do not meet the need. Today, having consulted with our housing officer, for example, we have on record 25 families waiting for proper housing, for any housing. But he says the actual list is greater. Perhaps even 50 families wait. This is an appropriate time to consider this.

We have been patient and we have waited and heard the emergency requests and proposals and observed the passage of legislation that has been quite appropriate in this body. We ask that you now hear this and support us. In the past you have supported us. You have treated us very well. You have treated me very well. But this isn't about me. This is about a Tribe of people, a people that I am honored to be elected to represent today, and what I remind you of is the overwhelming support you have provided to our proposals in the past, which have improved our situation economically, but we have been modest. We have been reasonable.

In fisheries, for example, when in the 126th, you passed a Joint Resolution recognizing our treaty, we were greatly honored. Then, subsequent to that, we proposed fisheries, commercial fisheries access based on that treaty right to access resources commercially. We asked for 16 commercial elver licenses—not hundreds—16. That was all we knew we had for interest and

that's what you granted us and I thank you. And so, I tell you that you have treated us well in the past. We have been modest. This proposal is also modest. It deals only with the Tribes, specifically and beginning with our proposal in Aroostook County, which will generate much needed revenue, create possibly 100 jobs, maybe more. Has already been assessed by the legislative Office of Fiscal Policy as potentially generating as much as \$200 million in gross economic activity with a possible net revenue to the Tribe and southern Aroostook County and the area of \$20 million or more, possibly as high as \$27 million.

Now, our budget doesn't need all that money, so fortunately, we split this with the state. Now, we have a real strong position in making this request. I've distributed information that supports the position that we have a lot of confidence. But our goal is to be partners, to be responsible, to pay our own way, and this businesses proposal—which will diversify us into bottled water, to wood pellet production, to generate more jobs and more revenues for the region—is not just for Aroostook County, but this proposal is for Washington County and the two poorest regions in the state. So, I ask that you continue the strong support you've given us in many matters in the past, today. Thank you very much.

Representative **ESPLING** of New Gloucester **REQUESTED** a roll call on **PASSAGE**.

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

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

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of the pending motion mainly because the Tribes have requested for well over 20 years for sovereignty on these issues. I'm hopeful that we can move forward with some sort of a bill that would allow each of the Tribes to be able to operate their own economic engine for their regions. The poverty levels are incredibly high in our tribal communities. We are just as obligated to them as they are to us and we have an obligation to make sure that they have the opportunity to create economic opportunity for themselves.

We're not really in the position to, I hear a lot about we give people handouts, we give people handouts. This is not what this is about. This is about changing the metrics in terms of the unemployment rates on the reservations, and in particular for the tribal communities. This is about making sure the people have a hand up that they can actually self-determine their future and that they can be able to provide work opportunities for themselves, their families, and life themselves and their communities out of poverty. I think that we are well-positioned to support them. Honestly, I think that the Tribes are well-positioned...

The **SPEAKER**: Will the Representative defer? The House will be in order. The Representative may proceed.

Representative **RUSSELL**: Thank you. I think that the Tribes are well-positioned to challenge us in the courts and I think that we should give them one last opportunity to make their case before us and if we fail to support their economic future, I would support their efforts to challenge their right to economic determination for themselves in the future. Thank you, Mr. Speaker.

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

Representative **MAKER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm very supportive of our Native Members. I'm very sad to not have one of our Members here today. I can't support this bill without him and knowing what he thinks about this bill, because the ones that been lost is the Passamaquoddy Tribe in Washington County. They have tried

23 years—well, it's probably longer than that now—to have recognition for a casino. And until they are mentioned at the top, I won't be supporting this bill. Thank you.

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, one last time, perhaps, but to respond to my friend who just spoke, I just want to assure you that in a conversation, not hours ago, that they are equal in partnership with this initiative; that I have received clear and strong messages that the Tribes are supportive of this initiative. So, rest assured, Representative that this is an equal effort to make sure that all four tribes benefit in the ultimate outcome. It may sequence as to who's ready and who already has, for example, tribal trust land that's been designated by the United States like the Maliseets have already for gaming purposes. That may take time, even though they may not hit the ground running at the same time with us, this envisions that there will be a mechanism for them to do so.

And with respect to my friend from Portland, this is not submitted to you in contemplation of any litigation. We are certain that we will get the support, as we have in the past, from this body. So, that is not in any way on my mind or on our mind at this point in any official capacity. So, thank you very much.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I just wanted to stand and clarify for folks. Really, what this is doing is allowing a bill to be reported out. So, all you are saying to day is that you support a bill being reported out that then could possibly be referred to the committee, or actually would be generated by the committee, which would allow for the public to weigh in. So, I don't want anyone to think that our vote today is necessarily endorsement of this policy, but yet allowing our friends to have an opportunity to come forward to continue discussion. And discussion as the good Representative, Representative Maker, had brought up that this is an ongoing issue and it's something that we should continue. So, today's vote is just a recollection to allow that conversation to continue.

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

ROLL CALL NO. 543

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Farrin, Fecteau, Fowle, Gattine, Gideon, Gilbert, Goode, Grant, Grohman, Hamann, Hanington, Harlow, Harrington, Herbig, Hickman, Hogan, Hymanson, Jorgensen, Kinney J, Kruger, Kumiega, Lajoie, Long, Longstaff, Maker, Marean, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, O'Connor, Parry, Picchiotti, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Sherman, Short, Skolfield, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wallace, Ward, Warren, White, Mr. Speaker.

NAY - Austin, Black, Buckland, Crafts, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Golden, Greenwood, Guerin, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hubbell, Kinney M, Kornfield, Lockman, Luchini, Lyford, Malaby, McClellan, Nutting, Ordway, Peterson, Pickett, Reed, Sanderson,

Schneck, Seavey, Sirocki, Stearns, Stetkis, Timberlake, Timmons, Tuell, Wadsworth, Winsor, Wood.

ABSENT - Chace, Frey, Theriault, Welsh.

Yes, 101; No, 46; Absent, 4; Excused, 0.

101 having voted in the affirmative and 46 voted in the negative, with 4 being absent, and accordingly the Joint Order was **PASSED**. 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:

(H.P. 1086) (L.D. 1596) Bill "An Act To Revise the Laws Regarding Dental Practices" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-621)**

(H.P. 1128) (L.D. 1658) Bill "An Act To Reform the Veteran Preference in State Hiring and Retention" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-622)**

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

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

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

ENACTORS

Emergency Measure

Resolve, To Study Transportation Funding Reform

(H.P. 771) (L.D. 1110)

(C. "A" H-563)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 5 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Support Substance Abuse Assistance Projects Provided by Municipalities and Counties

(H.P. 1011) (L.D. 1488)

(C. "A" H-611)

An Act To Protect and Promote Access to Sport Shooting Ranges

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

(C. "A" H-612)

An Act Regarding the Distribution and Off-site Storage of Spirits by Licensed Reselling Agents

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

(C. "A" H-570)

An Act To Increase Sentences Imposed for the Illegal Importation of Scheduled Drugs

(S.P. 602) (L.D. 1541)

(C. "A" S-403)

An Act To Ensure Nondiscrimination against Gun Owners in Certain Federally Subsidized Housing

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

(C. "A" S-405)

An Act To Clarify the Laws Governing Certain Benefits Provided to Veterans and Military Service Members

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

(C. "A" H-583)

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

Resolves

Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans To Address the Transportation Needs of Maine's Veterans

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

(C. "A" H-574)

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

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

UNFINISHED BUSINESS

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

Resolve, Establishing the Commission To Study Ways To Support and Strengthen the Direct Care Workforce across the Long-term Care Continuum (EMERGENCY)

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

(C. "A" H-606)

TABLED - March 30, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FINAL PASSAGE**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

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

ROLL CALL NO. 544

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, Grohman, Hamann, Hanington, Harlow, Herbig, Hickman, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Ward, Warren, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard,

Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, McClellan, Nutting, O'Connor, Ordway, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Chace, Stuckey, Welsh.

Yes, 86; No, 62; Absent, 3; Excused, 0.

86 having voted in the affirmative and 62 voted in the negative, with 3 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-571)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding Consent to Land Transfers to the Federal Government"

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

TABLED - March 22, 2016 (Till Later Today) by Representative MARTIN of Sinclair.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **MARTIN**: Mr. Speaker, Men and Women of the House, LD 1600, An Act Regarding Consent to Land Transfers to the Federal Government, would require any land designated a national monument by the federal government be returned to the grantor, the owner. The intent of this legislation is to prevent designation of national parks, not only to the Millinocket area, but to the entire State of Maine. The gentleman from Medway, Representative Stanley, is to be commended for introducing LD 1600. However, LD 1600 has a multitude of concerns, including serious constitutional issues and is not the answer for the Millinocket area.

Over 65 individuals and organizations either testified or sent correspondence on this matter. I mention this to illustrate that even in the Millinocket area, folks are divided on the issue and much to my surprise, a lot of folks are supportive of a national monument. However, businesses in the area are all supportive of this designation. Interestingly, much of the testimony had nothing to do with the actual language of the bill during the public hearing. Much of the testimony had to do with the designation of national parks and not national monuments, as mentioned in the language.

A former Assistant Attorney General, who served in the AG's Office for well over 30 years testified in opposition to this bill and suggested that the following: this bill would create a legal mess and suggested that it may very well violate the supremacy clause of the United States Constitution. He further suggested that enactment of this bill would be a glaring impairment of the rights of private Maine landowners to sell and transfer their property as they see fit. Because it became very clear to all members of the committee during the public hearing that there were serious concerns and issues with LD 1600, we requested advice from the Attorney General's Office. AAG, Assistant Attorney General Reid, who was my legal counsel when I worked and was employed by IF&W, appeared before the committee during their work session and spent considerable time detailing the many disturbing issues with this bill. He, too, is of the opinion that LD 1600 could very well violate the supremacy clause of the United States Constitution and the doctrine of preemption both prohibit

states from passing laws that are inconsistent with federal laws on the same topic.

For the above mentioned reasons, the majority of the committee could not support this piece of legislation. Mr. Speaker and Men and Women of the House, I urge you to support the pending motion, which is the Majority Ought Not to Pass. Thank you, Mr. Speaker.

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

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

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

Representative **BRYANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to speak in opposition to LD 1600. This bill is bad policy, regardless of where you stand on the issue of proposed north woods national park. The most questionable part of the bill is the reverter clause, which would force the landowners to automatically take back their property after it is already sold if the federal government decides to designate the land as a national monument. Allowing the state government to interfere with a private citizen's decision to sell or gift their land sets a bad precedence and it is an infringement on the rights of private property owners.

LD 1600 is explicitly intended to prevent the federal government from playing a role in a proposed national park, but the effect of this bill would go well beyond that. It would eliminate an important land conservation and historic preservation tool in Maine. It is not our state's economic or environmental interest to eliminate the possibility of the creation of the future national monuments in Maine. Finally, there have been serious questions raised about the constitutionality of this bill. I urge my colleagues to vote against this proposal. Thank you.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I urge you to defeat the pending motion and move on to the Minority Report and the reason why I say that is because no matter what the decision is, we cannot stop the President of the United States of America from signing a monument. One thing we can do though is make a statement saying how we feel.

And that's one of the things that I think that we should be saying because as everybody's known has noticed that we've got a bunch of paper mills closed around the state. And in my district, I'm hearing that the national monuments are going to save everything. Well, I'll tell you what, people, if that's the truth, then we ought to have one in down around Lincoln area, one in Old Town, one in Bucksport, one over to Madison, and probably one up to Jay and probably one over in the Rumford area before it's all done. And I'll tell you what, been through that. Not the national monument side, but a mill shut down. Two mills shut down. And we, when the mills were down the first time, the communities were working together to solve the problem to try to bring back the area.

Then all of a sudden, one of those mills started back up. So when that mill started back up, everything that the hard work that the people put in to bring these communities together went down the tubes because one mill started. Oh, let's forget it. We're all set again.

Well, I'll tell you what, national monument is not the answer. It has to come from within the communities and that's the key here. We have areas in our community of large tracts of land within the community that are going to be vacant or are vacant

because of the mill closures and these are some areas that we have to develop as a community. And one of the things that you have when you have a national monument, you have air quality and that takes away from some kind of development that could happen in this area.

And the other thing you want to realize, I have an outfit that produces electricity. Two dam, they're dams. They produce power right in the towns of East Millinocket, right in the towns of Millinocket. And they're behind the gate, which makes it a little bit easier to access that power. But if we go ahead and put in a national monument that goes ahead with federal regulations, that not one person in this room has a say on, I don't think we're headed in the right direction. Because I'll tell you, when you have somebody out in Washington, DC, which is a long ways away, and all you have is four members in your congressional delegation that can take care of that, then I'll tell you what, we aren't talking 538 people. Four people are not very many people to try to do what you want to do.

And I know how people feel and I understand the thoughts that have been going on, all the lobbyists and all the things going on in the discussion. But I'll tell you, this is not the answer. The answer is like I said before, is working from within and doing the things that we have to do because I don't want to be dependent on anything like I've been dependent on a paper mill, because I had 42 years in that place. I don't have a job any more. And I'll tell you what, I don't want to have people sitting around a national monument there saying, "We're going to do this. We're going to do that," and not do anything and call and make promises to people.

And the other thing I'd like to say about this whole deal is that we have a person that wants to put a park in—or sign her land over to make it a monument—which is fine. She can do that. That's her right. But, the problem that I have with it is, there's all kinds of speculation about jobs, about this and about that. Well, I'll tell you what, somebody somewhere should be telling them, if I have \$40 million I'm going to put into it, then I'm ought to be billing the park. Let's try it for four or five years and see what happens. If we get the development that we want, then yes, maybe we ought to be looking for federal designation.

But the problem that I have is majority of the people in my district do not want this. And I'll tell you, if somebody went ahead and put a park there, and tried it for four or five years, 90 percent of the people would want a park. It's not the issue of whether they want a park or not. It's the federal designation and the uncertainty of it. And the uncertainty of it is once you make the designation, you can't undo it. You're stuck with whatever happens.

And the other part of this whole problem is the land. You have all kinds of land. You have restore that's looking to do their thing and if you looked at, you were in Taxation the other day and saw the map and looked at the map and you'd see where the areas of the state are. And as these paper mills go down, the product, the wood that is being used by these paper mills gets shorter and shorter and shorter because the supply is less. When supply is less, there are less people working in these industries.

And I'll tell you what, these industries in my area right now are employing a lot of younger people that are working, that are making a living. And guys like me, who are mostly collecting Social Security or whatever right now. And I'll tell you what, I'd like to have been able to work five more years instead of what I am right now. But the problem that we have, people is you have the minority being represented by the majority. The majority is not affected by what happens. They're looking out for their own special little interests of going on vacation for a week or a couple

days and go for a hike and go through the woods, which is fine. All the power to them. But the problem that I have is developing jobs on the long term to keep people in the area and to keep people employed. Because I'll tell you what, you ought to talk to some of these people and you ought to look at these people in the eye and ask them why they're for or against the national monument.

And the other thing you ought to realize, right now there are four or five groups in the area working to try and do some difference in the Katahdin area and these groups have pro-park, anti-park, and everything on it, but I'll tell you what, when the discussion starts and the park issue is brought up, there's a big halt, big stop in everything. That's how divisive this thing is in this area.

And no matter if we make a national monument or don't make a national monument, the hard feelings are there. It's going to take a generation to get rid of these hard feelings. So, whatever comes out of this is whatever, but I think the State of Maine ought to go on record saying that we do not support a national monument and for the reasons like I just stated. And the other thing that you have to realize is, if you look at the map and you saw all the areas of land that are available that a connection of the land could make a big difference and not just one little piece of land, but a whole kinds of millions of acres of land.

And I'll tell you what, the access to those roads, access to a lot of this area, is by the Golden Road, which is a privately owned road that is not owned by anybody except for a woods operation now, a woodlands operation. And this is something that I know we can't do anything as a state, but I'll tell you what, you have those 250,000-300,000 people use that every year and that road is going down the tubes. So while that road is going down the tubes, that's taking away from the economic development of the area because people won't take their cars up there anymore because of the condition of the road.

And that's something that if we, as a state want to do some economic development, we should be looking at how we can help develop that road and make that road an access so people can get up in those areas so that they can recreate where they want to recreate. I'm not against recreation and most of the people where I come from are not against the recreation part of it. They're against the federal designation of it because once it becomes a federal designation, that's the end of it. It stays a federal designation and the only people that can do anything about it are the people in Washington and if they make laws to expand it, there's nothing you can do or the state can do it. The only thing I'm asking, because I know we can't stop it, but I think we should go on record saying we are not in favor of a national monument. Thank you.

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

Representative **WARD**: Thank you, Mr. Speaker, for those of you who may not know this, I'm a product of the Katahdin region. I am an old Medway boy. In fact, the good Representative from Medway represents my mother and most of my family. I was really surprised to see a handout distributed a little bit earlier with lots of quotes from folks in and around the region saying that we should oppose 1600, because I've talked with a lot of my friends and family that still live in the area and it is abundantly clear that they don't want a monument, they don't want a park, and they don't want federal control over their lands. It's a working forest; always has been, always will be.

I did get a chance to pull up online, because I knew that we'd had a couple of votes up there last year and I thought folks here might be interested, Mr. Speaker, in knowing the results of those informal straw pulls. It was a non-election year. They held a vote

during the summer and somewhere between 35 and 50 percent of the eligible voters in the towns of Medway, my hometown, and the Town of East Millinocket, where I graduated from high school, were voting and the votes were overwhelming, Mr. Speaker. They were overwhelmingly against the creation of a park. In Medway, the vote was 252-102 against a creation of a park and in East Millinocket, it was a resounding 320-191 against the park.

Folks—and we talk a lot in this chamber about local control—seems to me the people that this will affect the most have spoken clearly to the rest of us in the state and I urge you to follow my light and vote against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker Ladies and Gentlemen of the House, I rise in opposition to this pending motion and I have many reasons for doing so, but the number one reason is that the vast majority of the people that reside in Millinocket, East Millinocket, Medway and the surrounding area are opposed to a National Monument.

A few weeks ago I attended a forum that was put on by a special interest group that has been putting on a massive and expensive campaign drive in an attempt to bring this national monument to Maine. This campaign is of course being run in opposition to the wishes of the vast majority of the people that reside in the area of the proposed national monument. During the forum we were told by the presenter that there was now nearly an even split between those living in the area that oppose the national monument and those in favor.

We were also told that Senator King was the only member of our Congressional Delegation that hadn't spoken out in favor of the national monument. We were told that the national parks and national monuments in other states coexisted with the logging industries in those states. And the biggest pitch of all was we were told that Acadia Park was the perfect example of what could take place in the Millinocket area once the national monument was put in place.

Well, here is my take on the comparison of Acadia Park to a proposed national monument in the Millinocket area. That was a tremendous stretch to say the least, because to the best of my knowledge the Atlantic Ocean cannot be seen from anywhere in the Millinocket area and there's no Cadillac Mountain in that area. In regards to the claim that other states' national monuments coexist with timber harvesters, I have to disagree with that as well. To coexist would mean that the forests could be harvested by the forest industry within the boundaries of those national monuments. This is not the case. Harvesting up to the border was the example used as coexisting and I don't believe that is coexisting.

As for Senator King being the only member of Congress, the Congressional Delegation from Maine, not being on board, I found that not to be the case as well. Senator Collins has not announced her support for that national monument nor has Congressman Poliquin. As for there being an even split between those in opposition and those in favor of the national monument, from what I have heard and from what I have read there is still a vast majority of the people that reside in that area that are opposed to this national monument.

Lastly, Mr. Speaker, I would ask that the distinguished Members of this chamber to take a moment and reflect back on the reason why the East-West Highway did not go through. It was because the vast majority of the people living in the towns that the highway would run through did not want the highway. I believe that the same respect should be shown for the opinion of the vast majority of the people that reside in the area of this proposed national monument.

I will be voting with the sponsor of this bill, the Representative from Medway, Representative Stanley, and Mr. Speaker, I respectfully ask that the Ladies and Gentlemen of this body do the same. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I spoke with a Brewer constituent last Thursday about his thoughts on the idea of a national monument for the Katahdin region. He formerly lived in Millinocket for many years and had a successful business there, before retiring to Brewer. He keeps in contact with many of his former Millinocket neighbors. They tell him about the declining value of their homes; houses are sold for a fraction of their former value. And there are no jobs, opportunities to speak about. Next I spoke with a current resident of Millinocket, a cousin of mine, used to work at the Great Northern Paper. He also owned a coffee shop in the town. After the mill closed, the coffee shop was no longer sustainable and he sold that. He said that the only things keeping small business opened in the town were EBT cards and Social Security checks.

Both of these men had this to say about the proposed monument: "It's better than nothing." I thought about those words, "better than nothing." The people of the Katahdin region need real opportunities, not just seasonal and part-time jobs that a monument would offer. But given the present conditions, maybe a "better than nothing" opportunity would be the best hope for the region now. Maybe a "better than nothing" opportunity will spark other opportunities and build momentum and hope. We, as a state, can and should do anything we can to offer the region development opportunities. Maybe a monument would be a good idea, maybe not. Thank you very much, Mr. Speaker.

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, State and Local Government, this was one of the biggest bills we had. Somebody referenced it, there was a majority in favor of a national park or national monument. I sat in those committees and if you review the documents from the committee, there was 36 items of testimony submitted either on that day or shortly thereafter and I recall them to be, a majority of them, to support LD 1600.

And I want to thank Representative from Medway for his comments earlier. They're truly coming from the heart. He gave some background on this, but when it became clear that the residents living in the vicinity of the proposed national park, both having voted overwhelmingly in opposition to this plan, and the Maine Congressional Delegation not supporting the park, the debate suddenly changed and shifted to create a national monument. What is the difference between a national park and a national monument? A lot. A national park requires a congressional authorization and the buy-in from the home state's congressional leaders. A monument does not. It simply requires unilateral action of just one person: the President.

What this bill proposes is amending the existing Maine law that give blanket consent to federal acquisition of property in Maine to the state, that we do not consent to the creation of a national monument in Maine. From a practical standpoint, we cannot prevent the President of the United States from unilaterally creating a national monument in Maine. Rather, what this means, is that the state and the federal government can both exercise jurisdiction over any national monument in the state. Our laws that do not conflict with federal laws would continue to apply in those areas. Without this legislation, the federal

government could exercise exclusive jurisdiction—let me remind you: exclusive jurisdiction—over a national monument. This is a modest change. It sends a powerful message to the federal government that we do not support unilateral actions by the President in creating a national monument in Maine.

My good friend, Representative Martin from Sinclair, mentioned earlier that this was a bill regarding a national park. That is not the case. This bill only applies to the designation of a national monument, which again is vastly different. This bill simply amends consent to federal acquisition. It is not extraordinary and many other states have exercised this right to limit consent. The Minority Report of the committee, having listened to the concerns that Representative Martin brought up in the original bill, took the concerns of the constitutionality into consideration. After having reviewed our language, they deemed it not to be unconstitutional. Again, the Minority Report of this bill has been deemed not unconstitutional.

The SPEAKER: Would the Representative defer? The Chair recognizes the Representative from Skowhegan, Representative McCabe, and inquires why the Representative rises.

Representative **McCABE**: Thank you, Mr. Speaker, just a Point of Order. I believe that the Representative is speaking to the Minority Report.

On **POINT OF ORDER**, Representative McCABE of Skowhegan asked the Chair if the remarks of Representative GREENWOOD of Wales were germane to the pending question.

The SPEAKER: The Chair would remind all Members to focus their remarks on the pending motion before us and the report before us.

The Chair reminded Representative GREENWOOD of Wales to stay as close as possible to the pending question.

The SPEAKER: The Representative may proceed.

Representative **GREENWOOD**: Thank you, Mr. Speaker, I apologize, but I feel it important that Members know that there is something more to look forward to. You could review the 36 pieces of testimony on this bill. The Professional Logging Contractors of Maine, the Maine Snowmobile Association, the Maine Forest Products Council, all testified in support—I repeat, in support—of LD 1600.

I printed about 20, and I won't bore you by reading them because I would encourage you to review the 36 documents that are on the committee page. But there is, in my opinion, an overwhelming majority of people who testified are in support of LD 1600. Please take a moment to review the documents. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'd be amiss if I didn't stand up and try to give my two-cents worth here. I support my good friend from the north, Representative Stanley, bringing this piece of legislation forward. As Representative Lincoln, I can honestly say that probably close to 80 percent of the people do not want a national park.

Coming from a business background and from forestry, if this park does go forth, eminent domain will double the size of the land that the Quimby family will donate. And as my brother employs 40-plus people in the region, that, in turn, could mean that it would decrease the size of his employment just in that region probably by 50 percent or better. I'm not such an eloquent speaker as Representative Karl Ward, but I can honestly say one thing: I do not agree with government over reach. And I don't want to try to stand up here today and try to sway anybody's mind because our minds are made up in each and every vote that we cast, but I honestly can say that I oppose and I agree 100

percent with Representative Stanley and I applaud him for bringing this bill forward. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker, I want to begin by saying that I have a sea of emotions on this bill and as one who supports our local hunters and fishermen and loggers and such, down in Washington County no one respects the land more than the people of rural Maine. No one respects the rural Maine communities more than the people who live there. And I think the Representative from Medway did an eloquent job and an excellent job laying out the case as to why the pending motion should be voted down.

Mr. Speaker, when I ran for office a couple of years ago, one of the things I talked to people about was standing up for the traditional downeast lifestyle. And standing up for some of the values that traditional Mainers who have lived in this state for generations and believed it, and repeatedly, it is our rich logging heritage, our rich fishing heritage and our sense of local control and local land ownership. And that is why I am vehemently, vehemently opposed to the pending motion and would strongly urge us to consider an alternative that is reasonable and respectful and sends a strong message to our federal government. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, sorry for rising, but if a roll call hasn't been asked for, I ask for a roll call please.

The SPEAKER: A roll call is in order. The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House, I represent Bucksport. We've all heard about the plight of Bucksport a year or so ago. Representative Stanley told it like it really is. It's the community spirit that will make this region survive. I have a little tag here that was on all the downtown Christmas trees in Bucksport. It said, "We believe in Bucksport." People of the Millinocket area believe in Millinocket. But there's nothing that sucks the wind out of community spirit more than when someone from the government comes in and says, "We'll protect you from yourselves. We have a better idea."

This is where I tell you a little story about long ago. I was in Washington at a legislative leadership conference and the keynote speaker that night at the Union Station was the fine President Clinton. So, he comes through the drapes and up onto the stage in his blue shirt, spent a good amount of time telling us stories about his experience as a politician. So, after the stories, he came down off the stage and instead of going back out through the curtains, he decided to do the rail—went all the way around the stage, came back through. And I happened to be standing at the other end of the rail with Senator Pingree and Jane Amaral and a few others. And I said, "You know, I think I'll just see what I can learn from this guy."

So I took my hand and stuck it out and I said, "Mr. President, we've got some real problems here in Maine." He says, "Oh, what's that?" I said, "You're about to list the Atlantic Salmon on the endangered species list." And before I could say anything more, he said, "Oh," put his hand on mine, he said, "It will hurt the economy." "Yes, Mr. President. It will hurt the economy. But, you know, we, together, could preserve and protect the species without listing it." "Oh, yes, yes, you're right." So, didn't have much time with him, but he pointed over his shoulder and said, "Speak to this guy." So, this guy gave me his card. It said "Aide to the President." So, I immediately came back and

passed a Resolution through the House, through the Senate, to insist that the Congress and the President, whoever else was in charge, not list the Atlantic Salmon on the endangered species list. Sent it to Washington. Heard nothing, of course.

But I'll tell you, those people in Washington don't care a twit about the people in Millinocket. And sometimes, we may send that message to them as well. We have an opportunity, whether it's questionable or not, to support the people of the upper Penobscot River region. We need to send a message to Washington and to this President in particular that we know best what's good for us. So, it's really important if we take the time right now to support these people and send a clear message that we support you brothers and sisters of the Millinocket area. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise because the Millinocket area is our neighbors to the north. The question I'm sitting here thinking, and has crossed my mind on a number of occasions is, would any of us, whether it be the Dover-Foxcroft region, the Greenville region, the Kennebunk region, pick your own communities, would any of us want the federal government making decisions about what happens in our communities? I don't think any of us would take all that kindly to it.

What we have in the Katahdin region, we have a lot of debate ongoing. There are significant economic issues. But a national monument's not going to resolve those issues, or even a national park. What's going to resolve those issues are the people in the Millinocket, East Millinocket, Medway, and the communities around there determining what their future's going to look like. That's going to take a lot of hard work. It has been contentious on occasions. As one who has spent many nights there working with the individual school systems raising the question of, "Why not one?" and not really getting to that answer because people are holding on to traditions. And they have the right to do that. And I don't think at this point that any of us, including the federal government, should be interfering in the lives and the directions of people in any community, and especially in the Katahdin region. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Beebe-Center.

Representative **BEEBE-CENTER**: Thank you, Mr. Speaker, Women and Men of the House, I rise in support of this. I'm on the State and Local Committee and there were a number of people that gave testimony who did not want a monument and what I was struck by was the number of people who gave testimony and since have written to many of us that six, eight, ten years ago, they were so against this it was palpable. And now, after an agonizing conversation with themselves and their neighbors and their regional people that live in the region, they're for it as the only possible economically viable path out.

I'd like to read parts of one letter that I received, that many of you received. "In the late 90's and early 2000's, unbeknownst to us, those were the good ol' days. Great Northern Paper Company was in trouble, but it hadn't been torn down. Our schools were shrinking, but they hadn't been decimated. Our hospital had patients with good health insurance. Charity care, which totaled \$3 million at our hospital this past year, was inconceivable. And yet, today, the remaining citizens of Millinocket are not asking for a hand out. We are asking that you, the Maine Legislature, allow a national monument, the only economical, viable, plan on the table to have a chance to succeed. Please consider the moderate voices of people like me who have lived and worked a lifetime in Millinocket. We are in an

economic downturn, downward spiral, that passage of LD 1600 will only hasten. People who want unfettered access to land they don't own for their recreational pleasure are not the voices you should be considering. Picture our dying town and know that you can help by defeating this bill." Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, I rise in support of the motion. We're not going to create a national monument or a national park today. But, we are voting on whether or not this legislation is permitted to handcuff gifts of private property to the public for public use. We received a lot of testimony from people that didn't even have a dog in this fight, but looked at the proposal and said, "This reverter clause mechanism would foul up titles irreversibly." And even the definitions of it reverting to the original grantor and so forth. People may be deceased. This is just an invitation to litigation.

Economics is a big factor here. There is a study that's been done of 17 national monuments and, at least regarding per capita income, there was an increase in that measure after the national monument in each of these locations was created.

I want to mention Percival Baxter for a minute. As you may know, one of our proud and esteemed former governors, Republican governor, served in the 1920's. But, as far as the north woods is concerned, there was a proposal that it become a national park in 1911. This is when this was an interest nationally. That was unsuccessful. Great fear of change in the north woods. Baxter, a Republican governor, had a Republican Legislature in the 1920's, but he couldn't get the Legislature to move on anything and even during his tenure. And then finally in the 1930's, he was able to come to a compromise in which he was able to make his first grant of land to the state and he continued to do so until 1962. I just bring this up, I mean, today, I mean, his stipulation was "no roads, forever wild," for that park area. There has always been resistance to this kind of change.

As a teacher, I taught that Teddy Roosevelt was a great president. One reason being because of his policies. He created 18 national monuments; the first president to do so. And it would be hypocritical for me to identify that as one of his reasons for greatness in conserving things for our posterity, and then vote against the possibility of this happening today just because it's in my back yard. My family is from Knox County, Cumberland County, I live in York County now, I used to live in Piscataquis County, but I know people in each of those areas that would love to see a national park. We have heard from many businesses in the area that think that given the economic situation of the present that this is a vehicle by which we look forward to a more optimistic future.

So I say let's not handicap anybody's ability to gift their land for the benefit of all of our descendants. By the way, today's vote does not create a national monument. This motion stops an unwise and litigious vehicle designed, in the end, to stop such a thing from happening. So I conclude by saying for posterity, you know, for the area's economy, and for all of our descendants, I urge you to vote "yes" on the Ought Not to Pass motion. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **FOLEY**: There's been two references to the reverter clause in this proposed bill. But as I read the amendment, it says that the reverter clause was removed. Can somebody please clarify that for me?

The SPEAKER: The Representative from Wells, Representative Foley, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, to answer the question of the good Representative, Representative Foley, the original bill, LD 1600, does reference a reverter clause...

The SPEAKER: Would the Representative defer? The Chair would inquire as to why the Representative from Skowhegan, Representative McCabe, rises.

Representative **McCABE**: Mr. Speaker, just a Point of Order. I believe what's before us is the original bill. We are voting on an Ought Not to Pass on the original bill. We are not voting on the amendment.

On **POINT OF ORDER**, Representative McCABE of Skowhegan asked the Chair if the question of Representative FOLEY of Wells was germane to the pending motion.

The SPEAKER: The Chair would clarify that the Representative from Wells, Representative Foley's posing a question through the Chair is not germane.

The Chair advised Representative FOLEY of Wells his question was not germane to the pending motion.

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

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

The SPEAKER: The Representative may pose his question.

Representative **PARRY**: If this motion here is defeated, what motion will come before the body?

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

Representative **McCABE**: Mr. Speaker, I don't think we have the time to run through all the options of what would come next, but I can pull out, sort of, a procedural manual and run through the many options that could come before us. I believe what the Representative may be getting at is, would the Minority Report come up? That is an option. I can't specifically say that that would be the next motion, but I believe the Minority Report would be next. At that time it would be appropriate to speak to what's in the Minority Report. Thank you, Mr. Speaker.

The SPEAKER: The next motion that will be before the body is the one that the Members put before the body. The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I sit on the State and Local Committee, myself. And I, as all the other members of that committee, we heard many, many people testify. We heard all the pros and all the cons from all kinds of different organizations and individuals as well.

But, I also heard those that live in the region very loud and clear. I believe that we should listen to the voice of the people. We, as Representatives, are their voice. I would ask you to stand with the good Representative from Medway, Representative Stanley, and let these people's voice be heard loud and clear, both here and in Washington and vote against the pending motion and pass the Minority Report, which cares for the reverter clause, because it's removed in that. Thank you, Mr. Speaker.

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

The SPEAKER: The Chair inquires why the Representative from Newport, Representative Fredette, rises.

Representative **FREDETTE**: Just wondering, Mr. Speaker, why the bell continues to ring?

The SPEAKER: We are holding the vote open until everybody can vote, as we usually do. The Chair inquires as to why the Representative from Newport, Representative Fredette, rises.

Representative **FREDETTE**: Mr. Speaker, my understanding is the only person I can see that hasn't voted on the board, unless I'm mistaken, is the good Representative from Eagle Lake, Representative Martin. But, I think he has voted now. Has everybody voted? Who hasn't voted?

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

ROLL CALL NO. 545

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

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

ABSENT - Chace, Welsh.

Yes, 73; No, 76; Absent, 2; Excused, 0.

73 having voted in the affirmative and 76 voted in the negative, with 2 being absent, and accordingly the Majority **Ought Not to Pass Report was NOT ACCEPTED.**

Subsequently, Representative MARTIN of Sinclair moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of either Report.

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

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

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

The SPEAKER: The Chair would inquire as to why the Representative from Newport, Representative Fredette, rises.

Representative **FREDETTE**: My understanding would be that there would have to be a pending motion on the floor in terms of moving a bill. Wouldn't he, in fact, the mover, have to move the

Minority Report and then move to Table, rather than simply a Tabling motion, Mr. Speaker?

The SPEAKER: The Representative is in error. The Tabling motion can be made. We were pending the Acceptance of either report. LD 1600 has been moved by the Representative from Sinclair, Representative Martin, to be Tabled until later in today's session. A roll call is in order. The vote is open.

The Chair inquires as to why the Representative from Newport, Representative Fredette, rises.

Representative **FREDETTE**: Point of Order. I just want to be clear, Mr. Speaker, that you did, in fact, declare the previous vote before we took the Tabling motion. Is that correct?

The SPEAKER: Yes, the prior motion failed.

Representative **FREDETTE**: Thank you.

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

ROLL CALL NO. 546

YEA - Babbidge, 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, Grant, Grohman, Hamann, Herbig, Hickman, Hobbins, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Mr. Speaker.

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

ABSENT - Bates, Chace, Goode, Welsh.

Yes, 69; No, 78; Absent, 4; Excused, 0.

69 having voted in the affirmative and 78 voted in the negative, with 4 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative MARTIN of Sinclair to **ACCEPT** either Report **FAILED**.

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

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

Representative **McCABE**: Thank you, Mr. Speaker, I did not speak on the earlier motion, really out of respect of my colleague from Medway, Representative Stanley. I think that most of us in this room don't understand what it's like to walk in his shoes. I have the utmost respect for Representative Stanley. He is a man of his word. He is a man of his integrity. And he lives the struggles of Medway, Millinocket, and East Millinocket every day. He tries to voice those opinions on the House floor. He brings forward issues like this, an issue like this that is very important and personal to the Representative. And for that, I respect that.

I do, though, have to rise at this time and oppose the pending motion. And I oppose the pending motion because I know a little bit about land management. I've had the opportunity to travel around the country while I was in college. There was a story earlier, a story from a good Representative, a story about Atlantic salmon. I, too, have a story about meeting with President Clinton. I had an opportunity to travel, travel to the southwest to spend time studying a field session on land management. At that time I studied land management, we looked at lands managed by the BLM, Park Service, states, and others. In the southwest, much of the land is used for hunting; it's used for grazing; it's used for timber harvest. That land falls under the jurisdiction of many federal agencies.

While having the opportunity to travel, to see firsthand, to spend time in vehicles traveling along the Mexican border as well, and learning firsthand with land managers from around the country. It was a fascinating discussion, fascinating period of my life. While I was there, had an opportunity while meeting with the BLM to contact our federal delegation and to actually have an experience when President Clinton actually dedicated a monument, a monument just north of the Grand Canyon. We had an opportunity to meet President Clinton and others, to meet with Tribal officials from that state. We had an opportunity to meet with the Bureau of Land Management.

At that time, the Bureau of Land Management had not managed a monument. It was the first monument that they would take on. And the reason for the Bureau of Land Management to manage this parcel of land, to manage this monument, was so that it could stay in production. This was timberland. Some of it was grazing land. But its importance was its proximity to the Grand Canyon. I, myself, have no interest in going to places like the Grand Canyon, to be honest. I feel places like that are over-visited. There's too many tourists. It's not a place I'd like to be.

But going to that federal land, seeing that monument. We were there while they were doing prescribed burns. They were actively managing that forest. We went to other sections where folks were grazing. These are folks who have grazed on this land for hundreds of years and having an opportunity—I should say, actually, their cattle having an opportunity to graze on these lands—and having seen that firsthand and understanding that the management of monuments varies. It varies across the country.

I think of the Representatives that have spoken today. I think of Representative who have, in their own districts, locations that would stand. They would stand as a federal monument. Nothing like Millinocket, but yet historical sites. Sites that are significant like Acadia. Places where people may want to go visit. They may want to travel by car. The only time, Mr. Speaker, that I go to Acadia is during the off-season when folks aren't there. One of the most enjoyable times is to go to Acadia in the winter. There's no one there. It's great. That's my interest. I want to be places where people are not.

What we are doing today in taking action on this bill, is we are setting a statewide policy, not that will dictate what the federal government does, but that says Maine is not interested in establishing monuments. While I have a great deal of respect for my colleague from Medway, I understand firsthand the opposition that some citizens in Medway, Millinocket, and East Millinocket have. It is a community divided. It truly is. I couldn't imagine living in that community and experiencing that. It's clear people come down on both sides of that issue.

I wish that we never had to take a vote on this bill. Legislative Council earlier this year had an opportunity to take up a bill like this. I voted against it because I feel bills like this divide our state, they divide this chamber, and they continue to divide communities like East Millinocket, Millinocket, and Medway. So,

while I respect the Representative for bringing this forward, I feel when people take this vote today, they should really think about their constituents, the folks that they represent. What do your constituents want you to do today? How do they feel about possible monuments in your own district? How do they feel about opportunities in southern Maine, western Maine, northern Maine, and around the entire state? So, I encourage you to oppose this motion.

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

Representative **GROHMAN**: Thank you, Mr. Speaker, Women and Men of the House, you know, land ownership in the Maine north woods is changing. We have this wonderful tradition as Maine hunters that we can go on any land that isn't posted. When I bring up my hunting buddies from Pennsylvania, they can't believe this. It's a wonderful thing. But I would point out that the largest land owner in Maine is a Canadian company. They can do whatever they would like with their land.

I think we have an opportunity here before us, with a Katahdin woods and waters recreation area, offers wonderful hunting, and a compromise that will drive economic development and preserve traditions in the changing north woods. I, for one, would like to see this opportunity move forward. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker, I don't apologize for rising a second time. I just want to take the opportunity to say, you know, a lot has been said about property rights. And I just want to be clear for a moment today, if you look at a property ownership map of the State of Maine, take Somerset County for example, most of that county is privately owned. It's owned by companies that are no longer fall under the company heading of a paper company; they no longer fall under the company heading of a timber company. These are investment companies. They have no interest in Maine people having access to that land unless there is a financial benefit.

I've served in this house for eight years now, Mr. Speaker, and it's clear to me that when folks come, they testify before the Ag, Conservation and Forestry Committee, they talk more about land value than they talk about land use. I think folks in this chamber should think long and hard about who actually owns the State of Maine, including areas of Somerset County, Piscataquis County, Aroostook County, to really think what the future of Maine holds for children like my children. I'll be honest, Mr. Speaker, with the recent sale of Plum Creek to Weyerhaeuser, there's more questions than answers. I would say the same is true for the Millinocket area. We are talking about one specific parcel of land in that area, when much of that region is owned by landowners, landowners who oppose access to ATV's, landowners that control their access, they limit development on that land.

Mr. Speaker, you and I saw that when we travelled to the region. We met with folks interested in investing in that area. They own a building, a corrugated steel building, and that's all they can own is that building. It is on rented, leased property, Mr. Speaker. So, I really think today, this vote, it's not really doing us any favors. Like I said before, it continues to divide us. I think the elephant in the room is the discussion about private land ownership in Maine and really what that looks like and what land access looks like going into the future. So, for that reason, Mr. Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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

Representative **TUELL**: Thank you, Mr. Speaker, before I begin, I would ask a question.

The SPEAKER: The Representative may proceed.

Representative **TUELL**: Is this my first or second time? Is this my first time up? You get what I'm trying to ask.

The SPEAKER: This is your first time rising on this motion.

Representative **TUELL**: Thank you, Mr. Speaker, I rise in support of the pending motion for the Minority Ought to Pass as Amended Report. I believe much has been said in support of standing up for Mainers and Maine property rights and Maine communities and local people having a say in their future. One point I should've mentioned earlier is that there was a movement afoot several months ago to designate a certain portion of the Gulf of Maine, known as a national monument as well. A designation which would have had an impact on our fishing industry; the industry which is a billions of dollar industry.

And, thankfully, a couple of days ago, news came out that that designation was not going to happen. We dodged a bullet. What's the next one? Is Millinocket alone? Are there other parts of this state that are in the crosshairs, so to speak? Are there other industries in the crosshairs? And I know my friend from Beals, a big lobster fisherman himself, is right there as well. You know, we can't be destroying our industries. We're trying to save our biomass industry and I know my friends on the other side are sincere in that as well. We're trying to save what we have and build on it and I think everyone in here wants that. I truly think that. But I think this is the right message to be sending by supporting this motion. Thank you, Mr. Speaker.

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

Representative **GREENWOOD**: Thank you, Mr. Speaker, I apologize, but earlier when I had tried to speak to this motion, I didn't realize I was out of order. I want to thank the good Representative from Skowhegan, Representative McCabe, for bringing that to my attention. I would like to speak in favor of the pending motion and I'd like to read the summary of the bill. "The amendment is the Minority Report of the committee. It removes the requirement for a reverter clause in a deed and conveyance, or title papers, in the event that land is given by the state to the federal government, and the federal government attempts to designate such land as a national monument. It adds language specifying that in the case of designation of property as a national monument, the consent of the Legislature is not given to the federal government for the acquisition of land." Again, I just want to emphasize the reverter clause is no longer in the bill on the amendment that we're talking about. Thank you, sir.

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

Representative **WARD**: Thank you, Mr. Speaker, when I decided to run for office, I did what I usually try to do when we take on a large effort. And I thought, you know, "What is my role going to be when I go there?" Every one of us in this room are going to get pulled in lots of different directions and I think I needed a grounding principle before I even started campaigning. And I made several pledges to the nearly 3,000 doors that I knocked on and one of the first pledge that I told people was that I would vote my constituents' conscience over my own and over my party's and over my Chief Executive's every single time. And I've done my best to do that.

How do we do that? How do we live up to the title that we have on our 50 cent plastic name tags that we all wear? I'll read

this, Mr. Speaker, and it says, "State Representative." Representative. Seems pretty clear to me what that means. What that means is we listen very, very closely to the people that we represent. Now, I happen to know a lot of the people up in the Katahdin region and it didn't surprise me when I pulled up the vote tallies that I mentioned earlier. But I didn't give you the total of that. That was 572 versus 293. Mr. Speaker, that's nearly 70 percent of the vote. I hope that's my winning margin this fall. We probably all do. Seems pretty overwhelming to me. This is a clear case where we need to listen to the people that this affects the most and we need to vote the way that they tell us to vote. Thank you, Mr. Speaker.

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

ROLL CALL NO. 547

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

NAY - 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, Grant, Grohman, Hamann, Herbig, Hickman, Hobbins, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Marean, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Mr. Speaker.

ABSENT - Chace, Goode, Welsh.

Yes, 77; No, 71; Absent, 3; Excused, 0.

77 having voted in the affirmative and 71 voted in the negative, with 3 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-571) was READ** by the Clerk and **ADOPTED.** The Bill was assigned for **SECOND READING** Friday, April 1, 2016.

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 for Representative McCabe?

The SPEAKER: The Representative may pose his question.

Representative **LOCKMAN:** Ladies and Gentlemen of the House, it was 17 days ago today that Majority Leader McCabe moved to Table Unassigned...

The SPEAKER: Would the Representative defer? If this is going to be a repeat from the days past, I don't think the answer is going to change.

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

Representative **McCABE:** Thank you, Mr. Speaker, Men and Women of the House, there is times when as legislators, we question why we are here, why we are elected officials. It's often when we get the opportunity to go back into our communities to really talk with the folks that are in our communities about the challenges that are facing them. Also, Mr. Speaker, the one thing that we don't really do enough of as elected officials in this chamber is meet with young people. So, I see the good Representative from Augusta, Representative Pouliot, is making his way to the back of the chamber, but I did want to recognize someone that he knows very well. It's a former Olympian who, hopefully, with continuing to train will be an Olympian again someday.

So, this morning I had an opportunity. I had an opportunity to go to the Skowhegan area high school. I had an opportunity to sit through an awards ceremony, a very powerful awards ceremony. Close to an hour, Mr. Speaker, recognizing student leaders, recognizing student athletes, recognizing the future leaders of our community, Mr. Speaker. One of the most powerful moments of that assembly today was a young woman was recognized, Mr. Speaker, a young woman who came to this state as a refugee three years ago to this time. Three years ago she escaped the People's Republic of Congo. She came here as a refugee. She came here to live with a family in Skowhegan. She brought with her, her baby. She spoke three languages, none of which were English. She is thriving in our community. She is thriving in that high school. She was recognized for being an athlete. She was recognized by Julia Clukey as being a model citizen, Mr. Speaker, a model citizen for people like us to look to. It was a very powerful moment, Mr. Speaker, and while we sit in this chamber and we lose touch with reality, it is moments like that that make me proud to be an elected official, Mr. Speaker.

SENATE PAPERS

Bill "An Act To Establish a Public Service Berthing Vessel License for the Sale of Liquor"

(S.P. 696) (L.D. 1690)

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 918)

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

March 30, 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 insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Appropriations and Financial Affairs and Passed to be Engrossed as Amended on Bill "An Act To Implement the Combination Defined Benefit and

Defined Contribution Retirement Plan Described in a Report Submitted to the Joint Standing Committee on Appropriations and Financial Affairs in March 2012" (H.P. 715) (L.D. 1032), 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. 919)

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

March 30, 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 insisted to its previous action whereby it accepted the Majority Ought to Pass as Amended Report from the Committee on State and Local Government and Passed to be Engrossed as Amended on Bill "An Act To Require That Public Postsecondary Educational Institutions in the State Give Preference to Maine Producers When Entering into Contracts Related to Heating Fuel" (H.P. 1079) (L.D. 1588), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

**CONSENT CALENDAR
First Day**

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

(H.P. 1115) (L.D. 1638) Bill "An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-623)**

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

On motion of Representative GATTINE of Westbrook, was **REMOVED** from the Second Day Consent Calendar.

The Committee Report was **READ**.

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.

On motion of Representative FREDETTE of Newport, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned. (Roll Call Ordered)

ENACTORS

Emergency Measure

An Act To Facilitate Access to Naloxone Hydrochloride
(H.P. 1054) (L.D. 1547)
(C. "A" H-619)

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

Representative GIDEON of Freeport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 548

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

NAY - Austin, Battle, Black, Buckland, Crafts, Dunphy L, Edgcomb, Espling, Farrin, Fredette, Gillway, Greenwood, Guerin, Hanington, Hanley, Hawke, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Timmons, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Chace, Goode, Pouliot, Welsh.

Yes, 98; No, 49; Absent, 4; Excused, 0.

98 having voted in the affirmative and 49 voted in the negative, with 4 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Acts

An Act To Specify That Certain Rules Regarding Services to Persons with Intellectual Disabilities or Autism Are Major Substantive Rules

(H.P. 1151) (L.D. 1682)

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.

UNFINISHED BUSINESS

The following matter, 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.

SENATE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (S-417)** - Minority (4) **Ought to Pass as Amended by Committee Amendment "B" (S-418)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Resolve Inconsistencies in the Drug Laws"

(S.P. 609) (L.D. 1554)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-417)**.

TABLED - March 30, 2016 (Till Later Today) by Representative FOWLE of Vassalboro.

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

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, Men and Women of the House, we hear a lot, the need to be smarter on crime and to provide alternatives to incarceration of the drug crimes. And I agree and I am in support of the motion in front of us, the Majority Ought to Pass. This bill, you may have heard, is similar to the bills that we had before us in the last session; it's in conflict with another bill we had last session. But this isn't exactly like the bill that you voted on last year. This is a compromise to the bill, so voting in the same way as last year is not voting for this bill.

This bill would bring back the felonies for heroin, fentanyl, methamphetamines, and large quantities of cocaine. This bill says not all drugs are the same. It drops the possession of opiates to a Class D, which is a misdemeanor and first offense. That was something that the committee heard testimony to that were concerns and I know that's something that I heard on the floor last year that if you were in possession of opiates, I'm not for this bill. So, check, that's gone.

The other thing I heard concerns about was that not consistently is a deferred disposition offered in the State of Maine from your prosecutor. So, this bill now dictates that a deferred disposition to drug cases is the preferred option and guidelines for defendants towards treatment. It guides defendants towards treatment. A successful deferred disposition can result in reducing the charge from a Class C, a felony, to a Class D, which is a misdemeanor, or even dismiss the charge.

Now, the conflict in this bill has to do with scheduled drug called fentanyl. In one place, and this is in the Maine Criminal Statute, and any law enforcement, any judge, any defense attorney carries this around like a Bible. And when you go to charge someone with a crime, this is a book you reference. I spent a lot of time this summer on a task force for the Judicial Branch and when I went in to the court room to work on this task force, there was one judge, two judge, three judge, and now you have a conflict in law and it sits right there and it was done by the 127th. So it sits there. And this bill, both Reports, would fix that problem.

But I support this Report because fentanyl is one of the deadliest drugs we have out there. Fentanyl currently is a conflict because it's a felony. And if this motion does not pass, it will become a misdemeanor. Now let me tell you a little bit about fentanyl powder and fentanyl. Last year, the Maine Drug Enforcement officer came into our committee with a bill to add

fentanyl powder to the Schedule W drugs. He testified—this is Roy McKinney—he testified that this drug, this is in March of sometime, that this drug had not reached Maine yet. It was coming up. They were tracking it and it was coming. And I looked up at the time as to where it was, it was in New Hampshire, it was close to the border.

This drug is extremely dangerous and one group that it's dangerous for, outside of the people that are inhaling it and using it, are for our first responders. I looked up, because I had heard that there were cases of first responders being exposed—not taking, inhaling, or digesting fentanyl, but being exposed to it in the environment when they were doing their investigation work—that they were taken down by it, that they had to be administered Narcan.

Now, I did a little research after hearing that and I came up with this report that was written by a law enforcement officer that did work and talks about the toxic hazards posed in a synthetic heroin. Fentanyl is a hidden threat and I'm going to read you just one little section of this. "Fast forward to 2015. Police officer responds to a hotel manager complaint of unusual foot traffic in one of the hotel rooms. Knocks on the door. The male answers the door wearing a respiratory gas mask on his face and seeing an unified officer, turns around and runs to the bathroom. He attempts to pour the bag of white powder down the toilet while officers try to restrain him. The powder is scattered everywhere, subjecting the responding officer to substantial exposure of the unknown white powder. Shortly after this, one of the responding officer goes into respiratory distress. Emergency medical services is called, but when they arrive, he had expired."

Now, that's a scenario that's based off a true event. The next one: "Two police department narcotic groups execute a search warrant on a heroin dealer. Sometimes this happens a couple of times a day. After the warrant is executed, and during the evidence collection, two of the investigating officers get nauseous, start vomiting, become dizzy, and collapse. The EMST is called in. The investigators are taken to the hospital, but in critical condition." Like I said, both of these scenarios are hypothetical, but they are based on actual events. The key difference between the scenario and the actual events, luckily, is that no one died. But each of this real world incidence law enforcement personnel exposed to fentanyl is potentially extremely toxic substance.

So, like I said, we passed, last year, causing the conflict, a bill because fentanyl powder was on our border. And at the time that we passed it, they couldn't even tell you at what level was dangerous, at what level would be safe to possess because they were hearing that inhaling this stuff could be all that needs to be done. Now, this Report also talks about and I've heard law enforcement agencies must now address the appropriate personnel protective to wear appropriate personnel protective equipment. We had to make response protocol, methods of evidence collection and sampling, and the issue of potential use of Narcan when they respond to the scene of handling this dangerous drug. Now, I'd like to remind people in the chamber that our state police travel around without Narcan.

Knowing that this was on the border, it made me look up what was happening this summer as it was entering the state. So I pulled up a few of the titles off and just Googled "York County drug problem." April 21, 2015: "Heroin abuse in York County is public enemy one." That's in the *Portland Press Herald*. Heroin infiltrates the small towns in Maine. We're losing the battle on drugs. I will stand here and say, "Yes we are." We are losing the battle on drugs. And I was reminded of that when former First Lady Nancy Reagan died. And the battle of drugs when they were doing and they showed it on TV that she brought up, the

battle, what they were doing to address it was, "Say no to drugs." That was how they were approaching the battle on drugs. I would say we definitely can't do that. And I would say that heroin, fentanyl powder, methamphetamine, and large quantities of cocaine is winning.

"Maine state"—the other article I pulled up—"sets new records of overdose in 2015." This is something we've all heard about. It's been widely on the papers, on the press. It comes off in the Attorney General's report. There were 272 deaths from fentanyl and heroin, which they seem to mix together and the dealers and traffickers are doing this to make their product go further, to make their product so they can spend, make more money. The problem with it is fentanyl powder is 50 times more powerful than heroin and 100 times more powerful than morphine. It's deadly. There has been report of, like I said, from out of state of responders being affected. This is a poisonous substance and there is no good reason for anyone to be in possession of it. And like I said, if this motion fails, it becomes a misdemeanor.

I also would like to talk a little bit about who's been for this bill, and obviously the Attorney General, the Maine Drug Enforcement. But I want to talk about one particular person that came in to testify and he testified on a number of bills in committees that had to deal with drug problems. This is a huge crisis. And this crisis is taken up in many committees, as it needs to be. It's been in front of Education dealing with how we can educate people about this crisis. It's been in front of Health and Human Services because they take care of the treatment end of things. And it's been in front of my committee and I want to remind you what my committee that I chair is: it's Criminal Justice and Public Safety. Public safety. I have a hard time believing that we think that our first responders aren't our concern, that people that may be living in homes, children that may be living in homes where these drugs could be present—and it could be for a possession amount—get exposed. There was one article recently of a child that got ingested heroin. There's a court case right now going on.

So, this person that came in to testify, and many of you may know him, our good Representative from Skowhegan in my first term brought him down to the State House to the Welcome Center to present to the people, to the chamber, about his concerns about this drug crisis. We all know him, those that have seen him, and I've gotten to see him lots, as Skip Gates. He's a resident of Madison and he lost his son to a heroin overdose. And he testified in support of 1554 and he said, "If you support 1554, if its passage encourage just one addict to move towards recovery, perhaps there will be one less family that will be having to live with the unthinkable."

Now, I talked about, and maybe I didn't, but I talked about deferred disposition as being part of the compromise package that's in front of you compared to what you voted on last year. The other piece that I want to talk about is drug courts. A number of people have asked me why can't a misdemeanor charge be used for drug courts? And it caused me to look up on the Maine Judiciary Branch website as to what drug courts are. So, if you want to read the whole thing, feel free to look at it, but I'm going to bring out some points to you about drug court and drug treatment.

Now, there are five drug courts in the State of Maine. There's also a juvenile court. There's also a veteran's court and a co-occurring court and the co-occurring court deals with mental health and substance abuse when a crime is done. And what I'm going to say to you, it's obvious that the Judiciary Branch and the corrections decided a long time ago before we did anything that this was important. And one of the goals of the adult drug

treatment court, to reduce alcohol or drug abuse dependence, as well as any co-occurring symptoms among participants. Enhance community safety by reducing recidivism. Increase personal, family, society accountability by the participants. Drop, develop in participants in necessary personal, family, and social assets, skills to become productive citizens through employment, positive community activities, and health and safety for family relationships.

What are the expectations of a participant while in drug court? And this will tell you why misdemeanors don't fit in drug court. What is required of someone who makes it into a drug court: meeting with a judge and a court team every week or every other week with other participants in the courthouse to discuss progress; meeting weekly with a court case manager for a check-in, providing samples for random and observed drug and alcohol tests no less than twice a week—So are they reoffending? Are they keeping clean?—just like any treatment program would be; Attending treatment as recommended by treatment providers. The most demanding portion of this treatment program will require six hours of group treatment per week for approximately five to six weeks; Attendance at self-help groups; Taking their medication as prescribed; abstaining entirely from alcohol and drugs, unless prescribed; Nightly curfews; Avoiding people and places where alcohol is served or drugs are being used; Work; Attend approval education programs or perform community services.

Now, there's been lots of talk that misdemeanors could be a part of this court. I'm going to remind you that a misdemeanor holds a jail time sentence at the highest level of 364 days. The average rate to get someone, time to get someone to graduate from a drug court is 12 to 16 months. That's the average. And the thought out there that you could be thrown into jail if you fail, if a test doesn't come out good, is not true. I've actually seen that firsthand years ago when the co-occurring court operated here in Augusta, and it still does in the veterans' court. My husband was the prosecutor. And one Saturday a phone call came in and one of the participants in the court was at the hospital, had gone bad, and my husband, as a prosecutor, did not say, and a team member on this team did not say, "Pick her up and put her in jail." He said to Justice Mills, who is the judge in the court, "Where is the team? We need to pull the team together." These people spend a lot of time on these courts. I've even, when I put in a bill for veterans' court, I was upset when they were saying, "It takes a lot of resources to run these courts." And around here in this chamber, in this building, in our committees, resource means money. It doesn't mean money in this case, it means time. It takes time from these teams to be able to do this process. Let me tell you who's on the team for these drug courts. There's a judge, a case manager, a treatment provider—a treatment provider—probation officer, prosecutor, and a defense attorney. That's who everybody meets with come that Monday morning.

You know, I want to talk about one more other thing. I'm trying to wrap up everything I can in one because I know there are people that oppose this. We hear often that law enforcement believe in the treatment, they want treatment. Nobody said, no law enforcement has come and said, "We need to put people in jail." I'm saying we don't need to put people in jail either. Drug courts don't put people in jail. Deferred disposition in this bill will not put people in jail. A misdemeanor, first offense, is going to let someone walk out the door—which is current law, so I do get to talk about it—is going to allow somebody to walk out the door. And if you're lucky, because we know addiction—addiction isn't a one-time thing, it's an ongoing thing—and when that person walks out the door, I think we'll be lucky as if in six months,

they're back. Because I'm fearful that during that time they could be dead.

And I don't think we can just throw up our hands and say, "Yes, but I can't help that." I think we can. I think this bill puts us in a different position and I want to talk about the law enforcement. Maine Chief of Police Association and their testimony in support of LD 1554, and I'm going to read the whole thing at the bottom because it does state that, "the Chief of Police want to help. They understand that a simple 'lock 'em up' strategy does not work for people. With the sickness of addiction, programs like what Scarborough PD Operation HOPE's and other similar programs undertaken by the PD demonstrate that the Chiefs understand that treatment is critical. And I completely agree, but even they do a screening process as to whether or not you can get into that program. Not everybody's going to get into that program.

It went on to say, "Law enforcement can help direct addicts to treatment if they are able to intercept, interact with them, and while it may seem harsh, a felony arrest is likely to work in a way that a summons cannot. A felony arrest does not necessarily lead to a felony conviction if the addicted person seeks help through treatment." It doesn't necessarily mean they're going to be a felon. Like I said, deferred disposition, they can go down to a misdemeanor or even have it taken off their case. The Chief of Police went on to say they, "urge that you support 1554 and Ought to Pass."

Now, I stand here and ask you to support the motion that's on the floor. I'm very passionate about this and I understand that treatment is important. But, treatment is one leg of the stool. There is a reason why on the big bill we passed earlier, in front of Appropriations, had Health and Human Services, and Criminal Justice and Public Safety, because we are two parts of the stool. And to say no to drug courts and deferred disposition, we are doing the state a disservice because prosecutors and judges long ago said, "We want to be a part of the solution, not part of the problem." They are not looking to put people in jail and you'll hear that with a misdemeanor, it's a big, heavy crime. They can put you in jail for 364 days. That does not happen. And I thought our goal was to keep people out of jail.

Our jails are full and the drug courts work very, very hard. I've been to their graduations. There was one guy that got up and spoke—I won't lose any more sleep over this after tonight, so—and he talked about how many times he failed. There's a step, four steps, to get to graduation and if you fail at one of the steps, you drop back down, and that's why the average could be 12 to 16 months because they put you through, they put you back. And he said—and my husband wasn't the prosecutor at the time—he said, "You know what?" When he graduated, he got up to the mic and he said, "You know what? When you get up and you get to this room and you have this team of people and the prosecutor looks across the table and says, 'You know, we're sitting here and we believe in you. It's time that you believe in yourself.'" And that guy made it through. He made it to graduation.

The other thing is, yes, there's not a drug court in every county. There's five county's that drug courts, there's co-occurring courts, but there's a veterans' court. They take people from everywhere in the State of Maine. And my problem, I went and put in a veterans' court to expand veterans' court in the State of Maine because at that graduation, there was a gentleman from York County that graduated and I thought it was awful that he and his family had to move to Augusta to take part in this court. He graduated from York. I thought it was awful and Justice Mills came and testified on that bill in front of Judiciary in my last session. and committee members that were on that committee at

the time will probably remember, she said, "It's probably what saved him." Because it pulled him out of the community that he was in, where the problem lied. It probably saved him.

So, yes, it would be great if we could have one in every county, but they're not turning people away. And it's like a lot of things. We need to educate people and let them know that this is an option and I don't think it's a first option. I love that you have law enforcements out there that are saying, "Bring me in your dangerous drugs and we will send you on for treatment." They can do that if this bill passes still. They are the ones that make the decision as to whether or not to charge, to bring a case to the prosecutor. They are the first line of offense in this and they can still do that when somebody comes in, or even if they find someone and they think, "I think you would be the best person for this program." There is nothing that stops them from putting them through the Operation HOPE or anything else.

So, I encourage the Members of this chamber to support 1554 and let the judges and the prosecutors use the deferred disposition in the compromised bill from last year and that drug courts be a part of the solution in this crisis in Maine. We can't do it all in one area. I also want to point out just one more thing, that we need to put every cent towards treatment. I will point out that this bill does not have a fiscal note. This bill will not land on the Appropriations table. We funded for this last year. We funded for courts, we funded for prosecutors, for the drug crisis in Maine. I say, let's use that funding and it may be the last stop on these offenders. And like I said, a misdemeanor may let them walk out the door and they won't have felony written on them, but addiction is addiction. It doesn't stop at that point. And if you're lucky, they'll be back in the best case scenario. I'm going to ask you to please support me in this motion. Vote with me in this motion. Thank you. Follow my light.

Representative McCABE of Skowhegan inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in opposition to the pending motion. As a member of the Criminal Justice and Public Safety and Judiciary Committees, I, along with my colleagues, have spent this entire legislative session and last year grappling with our criminal justice system's jam-packed jails and busted budgets. We have an indigent legal services commission that is consistently over budget and we have one of the highest opiate addiction rates in the country.

Also, as a member of these two communities, I have listened to hours and hours of testimony concerning the opiate addiction epidemic. Everyone in this chamber is worried and we're trying to come up with solutions. Within the hours and hours of testimony we heard, was that of law enforcement officers from all over this beautiful state and what we did not hear from them, again, I need to say what we did not hear from law enforcement, was that they needed stiffer penalties, harsher fines, and longer jail sentences. What we did hear from law enforcement from all over this state is that Maine needs treatment, Maine needs diversion programs.

Arrests have gone up while treatment centers have closed. The result is that jails have become detox centers and those methods are costing us a lot of money for little or no return on our investment. Law enforcement is desperate for other options. They don't want more of our neighbors in their jails. They want to send sick Mainers to treatment programs. Every dollar we spend

on waging the war on drugs through the criminal justice system is one less dollar we have for education, prevention, and treatment.

We made a change in policy last year that took us in a new direction, a direction backed by evidence and data and best practices. Before the policy change that went into effect just a few months ago, mere possession of any quantity of many drugs, including all prescription opiates was a felony, punishable by up to five, 10, or 30 years in prison. Last year, we downgraded simple possession of illicit drugs from a felony to a misdemeanor for the first offense.

So let me recap: our jails are full, our budgets are blown, more people are addicted to drugs, and we are now considering re-felonization? We are now deciding whether to double down on dealing with a public health crisis with a system that is not designed to treat disease? The motion on the floor is a proposal to return to making felons out of Mainers suffering from the disease of addiction. The proponents of this bill will tell you that a felony charge is needed to get people into treatment via deferred disposition and drug courts. I tell you today, this is simply not true.

Maine's drug courts are guided by Maine and national standards. The words "felony" and "misdemeanor" do not appear anywhere in the statutes and the best practices that govern drug courts. Drug court works because in each case a judge, prosecutor, defense attorney, case manager, and treatment provider work collaboratively to help somebody struggling with a substance use disorder. Candidates are screened for drug court eligibility based on a number of factors related to addiction. And the Legislature's designation of a class of crime doesn't change the seriousness of somebody's addiction.

You've been hearing a lot about how we need a felony charge to get people into drug court, but while people are dying at five people per week, only fifteen have gotten into drug court this year so far. Last year, only 49 graduated the whole year. 194 people got felonies and 272 people died. Mr. Speaker, a misdemeanor charge does not send the message that heroin is somehow not dangerous. Instead, by treating first-time possession as a misdemeanor, we are telling thousands of addicted Mainers that we care about your future, we want you to get better, and when you get better, we want you to have the opportunity to go to school, we want you to have stable housing, we want you to get a good job and contribute to our growing economy. The Majority Report sends the opposite message. It saddles Mainers with the weight of the world, the weight of a felony record.

Further, I remind you of how Chief Justice Leigh Saufley advised us in her State of the Judiciary address just a few weeks ago in this chamber. She discussed the effectiveness and successes of drug courts. She warned us that drug courts cannot do it all. And I quote, "Even if all of the drug courts, including Bangor, were up and running at full capacity, only about 350 people, optimistically, would have the opportunity to find a sober life through the drug courts." Drug courts do not exist in 10 counties. Mainers in those counties do not get treatment; they just get felonies.

Mr. Speaker, let me be clear. The motion on the floor aims to take us a direction away from the evidence and the data surrounding the best practices for solving this crisis. I am proud of the work that this entire Legislature has done on tackling the opiate epidemic. We have collectively decided to focus on treatment for addicts and enforcement for traffickers. This report on the floor goes against those goals. This report punishes addiction with a felony conviction at a time when five people a week are dying. We cannot afford even the smallest backslide in making decisions about the biggest crisis our state is facing right

now. It is for all of these reasons that I'm asking you to join me in voting against the motion on the floor. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Powers.

Representative **POWERS**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. I just accidentally deleted my speech, so bear with me. I love standing and speaking on the floor, so I have a great level of comfort with that. But, last year, I spoke regarding an LD, LD 113, and I told you about my nephew. And I told you about his felony conviction and that it changed the course of his life irreversibly. This body voted 92-52 to make sure that that didn't happen anymore with a first-time felony conviction and it breaks my heart that this motion would reverse that.

I wish I could tell you that my nephew's life has improved since I stood up last year, but it has not. I wish I could tell you that he is the only person that I love that is affected by this horrible illness, but he's not. And you all know I can't even tell you that I'm the only person in this chamber who has a loved one who's been affected and whose life has been completely altered because of that. Other people have spoken more technically and more eloquently and I thank you for listening and I urge you, too, to beat this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I stand today against the present motion. Veterans in the United States suffer from higher unemployment rates, higher homeless rates and higher addiction rates than the general public.

Many of the volunteers who served our country admirably and proudly, but for one tragic reason or another, such as taking some shrapnel to the knee, ended up injured while serving. They were soon given a purple heart in their left hand and an opiate pill for the pain in their right hand. They received recognition for their service in one hand and a ticket to addiction in the other.

It is generally accepted that 80 percent of heroin addicts started with prescription opiates, in the form of pills. And I'm just going to take a quick break here. Opiate-based pharmaceuticals are nothing more than synthetic heroin. I want to make sure that everyone understands that. Oxycodone and all its relatives are nothing but synthetic heroin. This is true for many veterans who suffer from addiction. In 2010 the Army Surgeon General reported that 76,000 soldiers, nearly 14 percent of the force, were prescribed some form of opiate drug; 95 percent were taking oxycodone. Mr. Speaker, that's one in seven soldiers who were being prescribed synthetic heroin in 2010.

At one point, the active duty doctors, as well as doctors for the VA in places such as Togus, were prescribing opiate pills like candy. By the time the civilian world and the military realized the insidious impact of over-prescribing opiate pills, tens of thousands of veterans were addicted. When the VA finally understood the addiction epidemic they helped create in our country, VA doctors were instructed to severely restrict opiate-based prescription. And what happened then? Many veterans, feeling they have no alternative, turn to street drugs to maintain their addiction. They will use opiate pills illegally and when pills aren't available these veterans will sometimes turn to heroin.

Mr. Speaker, these veterans who suffer addiction did not make a bad choice. Their only quote, unquote "bad choice" was to serve their country in combat. And now, as a result of doctors unwittingly over-prescribing these young men and women opiate-based pills, we are going to make them felons? Mr. Speaker, is that fair or does it even make sense? And just so we understand, Mr. Speaker, not only does a veteran have to live with the lifelong

stigma of a felony, such as not being able to own a firearm, they lose their VA benefits. A veteran with a felony is no longer eligible to receive healthcare from the VA. That's just plain crazy when you consider many veterans suffer from addiction due to their service to our country.

Our military force is a completely volunteer organization these days. Those young men and women who served in the Iraq and Afghanistan, along with everywhere else in the world, volunteered to serve our country and put their lives on the line and should be applauded for their service not demonized. As a veteran myself, I strongly encourage you to vote down the motion on the floor so we can get to the Minority Report and support our veterans. Thank you, Mr. Speaker.

Representative RUSSELL of Portland **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 Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to the pending motion. I don't think anybody here wants someone struggling with addiction to die. I think the debate here is about how we best help our neighbors, our friends, and our loved ones. I philosophically disagree that adding a felony conviction, or making it a felony for possession, is going to help. I am particularly moved by the remarks that I just heard from my good friend Representative Devin because it actually goes beyond statistics. We hear a lot of numbers.

But I want to tell you the story of a member of the 133rd Battalion, a very dear friend of mine who went to Iraq, who came back. And when he came back he was suffering from Post-traumatic stress disorder. When I met Andrew, his life was in shambles. I was working behind the counter at Colucci's and he was desperate for a job. And I had known him as a customer and I had him fill out the form and I told him I would make sure that he had a job. It was a \$8 an hour job but he needed something.

From there, he was able to get back into school because he had a strong family unit, people who loved him. He went to the University of Southern Maine and when he was there, he actually was helping other veterans who were coming back from the wars. That's how he spent his free time. His other free time he spent seeking help. He had real issues with alcoholism as a direct result of his post-traumatic stress disorder. He sought help. And where he sought help, he got a prescription. He got a prescription for opiates, the same kind of prescription that we just heard about.

The other piece to the puzzle that people don't understand is that there are long waits for our veterans at the VA. The VA is very understaffed and when you have a prescription for four weeks and you're appointment isn't for six or eight weeks, what do you do in the meantime? We have been told that in order for people to seek help, they have to go through the criminal justice system. I fundamentally disagree with that. Andrew sought help. Not only did he graduate from the University of Southern Maine with a degree in psychology, he was on his way to get his Master's in psychology, specifically so that he could help other veterans—all while he still struggled, all while all of us helped and were there for him, while his family was there for him.

At 11 o'clock at night in August of last year, I got a phone call from a dear friend of mine and the first thing out of my mouth was, "What is wrong?" It was so surreal to have to look his dad in the eye, who was an admiral in the Navy, and see a broken

man, a man who was never going to be able to hug his son again. No one in this chamber believes that addiction is not a problem. No one in this chamber believes that we should not be fighting to fix it. One of the reasons we chose to do what we did last year is because we understand that this is a health issue. It is not a criminal justice issue. It should remain a health issue. Are we going to criminalize possession of sugar because someone happens to be diabetic? This is a biological response.

The question that I can't answer with this bill is what happens when someone fails? What happens when they don't show up to court? What happens when they cannot afford treatment that has been court-mandated? What happens when you have an individual who is struggling to try to make good decisions, but is not necessarily in the position to make good decisions? We have closed drug treatment facilities. We are shipping people out of state at a time when they most need a strong nuclear unit to support their recovery. We do not have the tools in place to execute the type of treatment that this bill supposedly would mandate.

So if those things fall apart, this is for the first possession. What happens when they possess it again? What happens then? Then it becomes real. Then every single time that person tries to apply for a job from here until they are 99, they will have to answer the question that they are a felon. From here on out they will have to not be able to get student loans because you are denied student loans. You will be denied public housing if you are a felon. Each of these things—job prospect, housing, student loans—those are precisely the basic things that allow people to be able to reconnect with the lives that move them forward.

I have another friend. I have another friend who was suffering from heroin addiction for many years. She had a strong family who had resources and were committed and they were able to get her into a treatment facility. They were able to do things for her that other people may not be able to afford to provide for their loved ones. She is a success story. There was a day when she got out of bed and she had a rough day and her counselor said, "You got out of bed today. That's a start." Every day since then has been a blessing. She is highly successful. You would never know that she was ever a heroin addict.

The way through this is treatment. We need to fund beds. We need to fund residential treatment and we need to start officially treating this as a health issue, not a criminal justice issue. With all due respect to the former First Lady, who I think the world of, you can't just say no if your biological being is just screaming yes. If you are hungry, you are going to eat. It is biological. This is not about willpower. Treating it as a criminal justice issue only treats it as a willpower issue, not a healthcare issue. My concern is not about the idea that we should send people through the drug court. I understand that argument. My problem is what happens after that? We know that people fail. They fail many times before they succeed and I want to make sure that in that failure towards success, that we are not permanently channeling them in the wrong direction.

When you do not have the ability to get a decent job, when you do not have the ability to get student loans to educate yourself, and you do not have the ability to have a home, nothing else matters. You're always going to get channeled back to the direction that you came from. We need to move people forward and that requires treatment and it requires a non-felony direction. With all due respect to the folks in the room, I know we all care about this issue and we are all passionate about it. We have got to be very careful about how we treat our neighbors and our friends and our loved ones who are struggling with addiction. I fundamentally disagree that jails and felonies are the answer to our drug crisis. I would posit that more beds, more treatment,

and more engagement with community here in Maine is the answer we have been looking for. That requires money. That requires resolve. And that requires a significant vision for the future. I do not believe this bill answers the question that we are trying to do. So, Ladies and Gentlemen, I hope you will vote in opposition to the pending motion. Thank you for your time.

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

Representative **DION**: Thank you, Mr. Speaker, there's been a lot said up to this point, so I'm not going to torture the chamber with extended comments. But I think in a fight, it becomes important to determine not who you're going up against, but who do you stand for. And in this case, I want to stand for the addicts. I want to speak for the mother that holds her son by his shoulders as he vomits into a bucket, or maybe the correction office who actually is concerned that the person who's been dope sick all night in his cell is not sleeping, but something otherwise. I want to speak for the father who dreads the arrival of any car at night into his driveway, fearing it's the police, knowing exactly what they're going to tell him about their daughter who they haven't seen in some time, but is well aware of how her time is spent.

In 1999, as a sheriff, I held a news conference to ask that we declare a cease-fire on the war on drugs. I thought it was time that we should allow wounded families to collect themselves, to try to reposition themselves emotionally and physically to the realities of what the drug war has meant for them and their loved ones. And it was seen as a bit of madness on my part. I took innumerable phone calls from police chiefs and prosecutors, others in the criminal justice profession, all of them shared a common theme that somehow I'd lost my mind, that my calls for leniency for reconsideration on the rationale of the drug war was somehow going to unravel the entire scheme. And I proceeded forward nonetheless.

And I got validated the other day when Representative Sanderson got up and made some comments about the courage of a young woman and the roll of medicinal marijuana in her life, and that in the sum total it was a positive thing. That's an example that we're talking about. This bill might almost seem to be an invisible debate, and I'm sure some of my colleagues on the other side of the aisle wonder, "I thought this might just pass along under the hammer. What's the problem?" Well, the problem is that beyond the scourge of addiction lies the consequence of felony. That the hope of recovery is simply in the final analysis that is hope and what hope can we have if we paint on someone's legal forehead, the letter "F," which will exclude them from all possibilities of a normal life. From all possibilities that they could earn their way and pay their way and contribute in their unique way to what we call our community of Maine.

We felonize too many people too often. We felonize someone who we've all admitted as a body is suffering from illness. I appreciate what my good colleague from the committee has said in her defense of the bill today. I appreciate her passion. I share it. But I think those who are afflicted by addiction by disease, those families who get up every day wondering "Will there be an end?" How can we tell them that the only path to success, the only way forward, is to accept a felony conviction? You've been told that felonies are not a problem because they can be simply wiped away. That's not so. I would suggest it's quite difficult to get a governor's pardon under any circumstance, under any chief executive.

I've been told that different dispositions, a legal strategy, is available to all. It's not. You've been told that even in the end, all charges might be dismissed. It's rare. Felonizing the mere possession of any powder, no matter how frightening it is to us, is

an inappropriate response if we believe that the consumer, the possessor of that powder, has acquired it because of addiction, because I can guarantee you, 20 years from now our successors will talk about a new powder, a new pill, a new substance that lurks just over the Piscataqua River in New Hampshire waiting to invade our lives. But hopefully, in that timeframe we will have found the solutions to the cause and consequence of addiction. This Majority Report is not that. Please reject it so that we can move to the Minority. Thank you.

Representative **CAMPBELL** of Newfield **MOVED THE PREVIOUS QUESTION.**

More than one-third of the members present expressed a desire that the **MAIN QUESTION BE PUT NOW.**

The same Representative **REQUESTED** a roll call on the motion to **MOVE THE PREVIOUS QUESTION.**

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 Move the Previous Question. All those in favor will vote yes, those opposed will vote no.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Point of Order. I have people around me asking if we're voting on a roll call, if we're voting on moving the question, or voting on the question.

The SPEAKER: It is a roll call to determine whether debate continues. If you are in favor of ending debate, you will vote green. If you're in favor of continuing debate, you will vote red.

A roll call has been ordered. The pending question before the House is to Move the Previous Question. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 549

YEA - Alley, Bates, Beck, Beebe-Center, Bickford, Black, Blume, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Farrin, Fecteau, Gilbert, Gillway, Golden, Greenwood, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Malaby, Martin R, Mastraccio, McCreight, McElwee, O'Connor, Ordway, Peterson, Picchiotti, Pierce J, Pouliot, Prescott, Saucier, Schneck, Sherman, Stetkis, Tepler, Timberlake, Timmons, Tuell, Verow, Wadsworth, Warren, Wood, Mr. Speaker.

NAY - Austin, Babbidge, Battle, Beavers, Brooks, Chapman, Chenette, DeChant, Devin, Doore, Edgecomb, Espling, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Ginzler, Grant, Grohman, Guerin, Hamann, Harlow, Herbig, Hickman, Hobbins, Kinney M, Kornfield, Kruger, Kumiega, Maker, Marean, Martin J, McCabe, McClellan, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Parry, Pickett, Pierce T, Powers, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Seavey, Short, Sirocki, Skolfield, Stanley, Stuckey, Sukeforth, Theriault, Tipping-Spitz, Tucker, Turner, Vachon, Wallace, Ward, White, Winsor.

ABSENT - Chace, Goode, Sawicki, 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 **THE PREVIOUS QUESTION** was **MOVED.**

The SPEAKER: A roll call having been previously 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. 550

YEA - Alley, Austin, Battle, Beck, Black, Bryant, Campbell R, Crafts, Dillingham, Duchesne, Edgecomb, Espling, Farrin, Foley, Fowle, Fredette, Gerrish, Greenwood, Guerin, Hanley, Harrington, Head, Herrick, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Maker, Marean, Martin R, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wallace, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beebe-Center, Bickford, Blume, Brooks, Buckland, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Hamann, Hanington, Harlow, Hawke, Herbig, Hickman, Higgins, Hobbins, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Malaby, Martin J, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, O'Connor, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Wadsworth, Ward, Warren, Mr. Speaker.

ABSENT - Chace, Goode, Sawicki, Stearns, Welsh.
Yes, 63; No, 83; Absent, 5; Excused, 0.

63 having voted in the affirmative and 83 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

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

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

ROLL CALL NO. 551

YEA - Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Buckland, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Grohman, Hamann, Hanington, Harlow, Herbig, Hickman, Higgins, Hobbins, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, O'Connor, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Sherman, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Wadsworth, Warren, Winsor, Mr. Speaker.

NAY - Alley, Austin, Bickford, Black, Bryant, Campbell R, Crafts, Dillingham, Duchesne, Edgecomb, Espling, Farrin, Foley, Fowle, Fredette, Gerrish, Greenwood, Guerin, Hanley, Harrington, Hawke, Herrick, Hilliard, Hobart, Kinney J, Lajoie, Lockman, Long, Lyford, Maker, Marean, McElwee, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Reed, Sanderson, Short, Sirocki, Skolfield, Stanley, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wallace, Ward, White, Wood.

ABSENT - Chace, Goode, Head, Hogan, Sawicki, Welsh.

Yes, 88; No, 57; Absent, 6; Excused, 0.

88 having voted in the affirmative and 57 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "B" (S-418) 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 "B" (S-418) in NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative GILLWAY of Searsport, the House adjourned at 2:18 p.m., until 9:30 a.m., Friday, April 1, 2016, in honor and lasting tribute to Pearl H. (Shute) Seekins, of Searsport.