

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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  
36th Legislative Day  
Friday, April 8, 2016

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

Prayer by Reverend Annette Mott, First Congregational Church of Gray.

Pledge of Allegiance.

Doctor of the day, Sam Cady, M.D., Portland.

The Journal of yesterday was read and approved.

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

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.

An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax (EMERGENCY)  
(H.P. 1115) (L.D. 1638)  
(C. "A" H-623)

TABLED - April 5, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-645)** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services  
(H.P. 605) (L.D. 886)

TABLED - April 7, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Resolve was **READ ONCE.** **Committee Amendment "A" (H-645)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-645)** and sent for concurrence.

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

**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 46)

ORDERED, that Representative Dillon Bates of Westbrook be excused April 1 and 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James S. Gillway of Searsport be excused April 5 for personal and health reasons.

AND BE IT FURTHER ORDERED, that Representative Lloyd C. Herrick of Paris be excused April 4 and 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative David P. Sawicki of Auburn be excused April 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joan W. Welsh of Rockport be excused March 29, 30 and 31 for health reasons.

**READ and PASSED.**

**SPECIAL SENTIMENT CALENDAR**

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

**Recognizing:**

Androscoggin Home Care and Hospice, of Lewiston, on the occasion of its 50th Anniversary of providing health care services. Androscoggin Home Care and Hospice began as a source of home care services for the chronically ill, and today it provides home care, hospice care, supportive care, telehealth monitoring, community care and many other health care specialties. In 2015, it served over 8,700 patients. We extend our congratulations to Androscoggin Home Care and Hospice on this occasion;

(HLS 1220)

Presented by Representative ROTUNDO of Lewiston.

Cosponsored by Senator LIBBY of Androscoggin, Senator BRAKEY of Androscoggin, Representative LAJOIE of Lewiston, Representative GOLDEN of Lewiston, Representative BROOKS of Lewiston, Representative MELARAGNO of Auburn, Representative BICKFORD of Auburn, Representative SAWICKI of Auburn.

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'm really honored to have Androscoggin Home Care and Hospice in our community. My grandmother was suffering from advanced emphysema, and she was able to stay in our home with the assistance of Androscoggin Home Care and Hospice. There are very many people that are very caring and very talented and skilled at what they do. They come into the home, they allow people to thrive in the home and sometimes, like in the case of my grandmother, spend the last days of their lives with family. And they help ease suffering of families and they also are instrumental in so many ways in our community and I'm really grateful that they have been in our community for 50 years. This is their 50th year anniversary and I'm just really grateful that they exist and they do such tremendous work for members of our community. Thank you.

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

Representative **McCLELLAN:** Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I was surprised in the calendar to see that Androscoggin Home Care and Hospice, of Lewiston, was being recognized today. I didn't realize it was their

50th anniversary. And I rise, in part, because I was blessed to serve on their board for two terms a few years back. And, I learned a lot in that time. I have worked in healthcare, but just kind of on the fringe. And one thing I took away from this awesome organization was, when I hear someone goes into hospice, my first thoughts are, there's a little bit of sadness, then I realize they're in a good place and I think that says a lot about Androscoggin Home Care and Hospice. So, I congratulate them on this 50th anniversary.

I also, if I could, Mr. Speaker, take the chance to mention their CEO and President, Julie Shackley, I know is upstairs in the audience. And I just also learned today that she'll be retiring as the President/CEO. Julie and I met in the Xi Class at Leadership Maine, so we got to spend parts of a year learning about leadership. And I would say for both Androscoggin Home Care and Hospice and for Julie, I've never seen a finer organization or a better leader than Julie. So, I wish them well in what will be a lot more years for them and I wish Julie a great long life in her retirement. Thank you, Mr. Speaker.

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

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, no one ever wants to have to use the services provided by hospice, but in 1999, my father needed home hospice care due to complications from lung cancer, which eventually took his life in March of 1999. I wish I could remember the people who comforted my father and our family in the hardest days of our lives. Thank you.

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

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.

Expression of Legislative Sentiment Recognizing Kenny Wright, of Woolwich

(HLS 1189)

TABLED - April 5, 2016 (Till Later Today) by Representative PIERCE of Dresden.

PENDING - **PASSAGE**.

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

Representative **PIERCE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, Kenny Wright's acts in Maine motor sports goes far beyond 1981. As a kid, he was the guy that always helped fix your bike. In high school, he'd make sure your cars ran and ran fast. And in the Maine motor sports and up in through Canada and across the country, Kenny was always the guy that would give a guy a part that was his competitor. Kenny was a guy that would help fix somebody else's car to make sure that he could compete against them as best as possible. Kenny is a great citizen of the State of Maine and has done a wonderful things for the Maine motor sports and I thank him.

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Promote Recruitment and Retention of State Employees"

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

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

EVANGELOS of Friendship

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-469)** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469) AND SENATE AMENDMENT "A" (S-478).**

**READ.**

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 and Men and Women of the House, last year, our Chief Executive created a nine-member civil service review panel, tasked with reviewing the hiring practice of the state's hiring practices. The panel consisted of the Executive Director of the Maine Worker's Compensation Board, three representatives from the private sector, four management attorneys, and the general counsel of the Maine State Employees Association. Yes, eight members from the private sector, and one member representing state employees.

LD 1663 is legislation as a result of recommendations made by this panel. This bill changes the law governing recruitment and retention adjustments to remove the requirement that the Director of Human Services obtain the agreement of bargaining units of state employees, and it specifies that salary increases within an established range must be made on merit performance, which is defined as "performance that exceeds satisfactory performance." If this legislation is enacted into law, managers would have more discretion to decide who receives merit increases, who receives recruitment bonuses, who starts at what step on the pay scale, and who may exceed the maximum step in the pay scale, with no assurance that the process will be based on objective factors. This bill goes on and does many other things that is counter to our current hiring practices and, in some

cases, violates the bargaining agreements. Please support the pending motion and vote to accept 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 Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. During the public hearing, we learned that Maine's Civil Service law was written in the mid-1980's and has not been updated since. This bill will modernize practices, primarily by allowing the state more flexibility to pay employees based on performance.

Currently, there is an eight-step pay scale for all positions, and people glide up the pay scale largely based on just seniority. In the private sector, raises are not automatic, they are earned. Managers in state government often move people up the pay scale because it's just how it's been done. After the eighth step, an employee is maxed out, and there is no way to pay more to retain highly skilled, top performers. For example, an IT specialist or a tax accountant, someone with high trained, hard to retain, they can certainly earn more money in the private sector, and those are the areas in which we lose state employees.

The biggest feature of this bill would introduce a merit based pay, saying that instead of automatic raises for just for showing up and doing what is expected or the bare minimum, employees would have to demonstrate meritorious performance. At the public hearing, the public employees union opposed the bill based on even using the word merit. They said they wouldn't support any bill that has the word merit in it. They believe everyone should automatically get a raise every year as long as they continue to live and breathe. Please join me in defeating the pending motion so we can support the Committee Amendment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Augusta, Representative Doore.

Representative **DOORE**: Thank you, Mr. Speaker, Women and Men of the House, LD 1663, if passed, would only allow state managers to give merit increases when performance exceeds satisfactory performance. For almost 30 years I was a state employee and I can tell you that state employees are very dedicated group of employees. Many don't take breaks, they skip their lunch, they stay late to finish the job with no extra compensation. As mentioned in our committee, they do not just show up, breathe to earn that merit increase. This bill is just another attempt to let this administration continue to devalue state employees and to pass attacks on employee bargaining contracts. Please follow my light and support state employees. Thank you.

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

**ROLL CALL NO. 571**

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

Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Dion, Grohman, Hawke, McLean, Pouliot, Sanderson.

Yes, 77; No, 68; Absent, 6; Excused, 0.

77 having voted in the affirmative and 68 voted in the negative, with 6 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

---

Six Members of the Committee on **STATE AND LOCAL GOVERNMENT** report in Report "A" **Ought to Pass** on Bill "An Act To Clarify the Appointment Process"

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

Signed:

Senators:

WHITEMORE of Somerset

WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales

HARRINGTON of Sanford

ORDWAY of Standish

PICKETT of Dixfield

Six Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-474)** on same Bill.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair

BABBIDGE of Kennebunk

BEEBE-CENTER of Rockland

BRYANT of Windham

DOORE of Augusta

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-475)** on same Bill.

Signed:

Representative:

EVANGELOS of Friendship

Came from the Senate with Report "C" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475)**.  
**READ.**

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought to Pass as Amended**.

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

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

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, Maine's law regarding appointments are varied. When some laws instructing various authorities to provide the Chief Executive a list of candidates and restricting the Chief Executive's authority to making appointments from those lists only. The bill, as introduced, clarifies those instances in which names must truly be an actual list. The name of at least three qualifying candidates must be provided, was the language in the original bill. In the past, the Chief Executive has received a "list" of just one name. Hardly, that is a list. That is a "one name." That effectively transfers the appointment decision from the Chief Executive to the entity charged with providing that recommendation. This bill would clarify the law that prevents these situations in the future. The current motion on the floor is Report "B," which says, "A list is defined as one or more names." I don't understand how a list, or a choice, could be one name. I would ask you to not support the pending motion so that we can get to one of the other reports. Thank you.

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

**ROLL CALL NO. 572**

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

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

**ABSENT** - Dion, Hawke, McLean, Pouliot, Sanderson.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-474)** 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-474)** in **NON-CONCURRENCE** and sent for concurrence.

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

Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought Not to Pass** on Bill "An Act Relating to Penalties for Drug Offenses" (S.P. 672) (L.D. 1647)

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro

CHENETTE of Saco

DAVITT of Hampden

LAJOIE of Lewiston

NADEAU of Winslow

WARREN of Hallowell

Five Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-425)** on same Bill.

Signed:

Senators:

ROSEN of Hancock

BURNS of Washington

Representatives:

GERRISH of Lebanon

THERIAULT of China

TIMMONS of Cumberland

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-426)** on same Bill.

Signed:

Representative:

LONG of Sherman

Came from the Senate with Report "B" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-425)**.

**READ**.

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

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

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 Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Mr. Speaker, Men and Women of the House, I rise today in opposition of the pending motion. This bill increases driver license suspension

period from 150 to 180 days for a person who was convicted of operating under the influence. It would bring the State of Maine into compliance with federal law.

Coming into compliance with federal law will also bring \$13 million of federal dollars to the state to fund highway and bridge projects that are very much needed. Testimony included support from the Chief Executive, the Maine State Police and the Department of Transportation. I ask you to follow my light and oppose the pending motion. Thank you.

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

**ROLL CALL NO. 573**

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

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

ABSENT - Dion, Hawke, McLean, Pouliot, Sanderson.

Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly Report "A" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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.

Bill "An Act To Encourage and Enhance the Future of Waste-to-energy Facilities by Establishing a Portfolio Requirement for Electricity from Waste Energy Resources"

(H.P. 191) (L.D. 273)

- In House, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** on February 25, 2016.

- In Senate, Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-519) AS AMENDED BY SENATE AMENDMENT "A" (S-376)** thereto in **NON-CONCURRENCE**.

TABLED - April 7, 2016 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, Representative McCABE of Skowhegan moved that the House **RECEDE AND CONCUR.**

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

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

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

Representative **CAMPBELL:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this is another bill that's going to be passed on to the taxpayers of the state. We already have to pay a sales tax on electricity. Ten years ago, I put a bill in so that the elderly wouldn't have to pay the sales tax, but it failed. So, this is another add-on. The other day it was, "Let's take care of the biomass." If they can't afford to be in business, then they shouldn't be in business. This here is just another thing to add on to the electricity, which we have the highest in the country and I totally oppose it. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING:** Thank you, Mr. Speaker, I would like to echo some of the concerns from my fellow Representative across the aisle. You know, I do have concerns about this bill increasing rates on our consumers. I, for one, have a waste-to-energy facility near my district, so I understand how this is going to help them, but I'm more concerned about how this is going to impact ratepayers across the state. So, I would encourage you all to vote "no" on the motion at hand. Thank you.

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

Representative **BABBIDGE:** Thank you, Mr. Speaker, I rise to actually address my own caucus. I spoke this morning about some testimony that had come before us regarding this bill and I misspoke. The Office of the Public Advocate did express ratepayer concerns as part of his testimony, but his testimony was neither for nor against. He did state that the decision to incentivize a particular type of resource over another is a policy decision for the Legislature. Thank you.

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

Representative **O'CONNOR:** Thank you, Mr. Speaker, Ladies and Gentlemen of the House, this bill seems to be the monster that just will not die. This legislation amends the Renewable Portfolio Standard to establish a requirement that 3.5 percent of utility electric sales be generated from waste-to-energy facilities. This would result in higher electricity costs for consumers by creating artificial scarcity, not to mention it's a special interest carve out.

Requiring that an ongoing percentage of power comes from waste incineration would not only weaken the incentive to reduce waste, but would also create financial incentive to perpetuate current levels of collection and burning of trash. This bill would provide a ratepayer-funded incentive with no ratepayer benefit. Unlike Maine's current Class I renewable portfolio standard, the proposed waste-to-energy RPS would provide a subsidy to existing plants, indeed, plants that have been running on their own for some time that are now looking for an electric ratepayer handout.

Waste-to-energy facilities' typical heat value comes from the burning of up to 50 percent plastics, which is not under any circumstances renewable or clean. This is not good legislation and it is time to slay this beast once and for all.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, the numbers are terrifying if you look at them. According to some testimony presented by Central Maine Power Company, MERC in Biddeford received \$485 million for energy and another \$571 million in termination payments through 2010. And the termination payments were continued into December of 2012.

In 2007, we were paying 17.09 cents a kilowatt hour for energy. At the time, it was five cents in New England. The MMWAC in Auburn, \$19 million in 2010, \$187,500 for restructuring the contract. RWS in Portland, \$88,188,000 in 2000. They've been back to the trough a number of times and they've been shot down bipartisan a number of times, and I would suggest that we kill this and put the beast to bed. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker, Men and Women of the House, I'm here to rescue the beast. I need to take you back a little bit. The whole reason these waste-to-energy facilities exist in the first place is because back in the 1970's we had a gas price war with OPEC. We were heavily dependent on foreign oil from people who didn't like us. The federal government, at that time, made the decision that we must get off foreign oil and it put subsidies on things like waste-to-energy and created new energy sources so we could get off that foreign oil.

We did other things. We had car emission standards and fuel standards that we put into place too, so we could get off foreign oil. It worked. I'm not a big fan of subsidies, but by golly, it worked. And those federal subsidies are going away and they should because we won.

However, part of our infrastructure depends on an old economic model. We do have to make sure our infrastructure makes a transition between the old way of doing things and whatever the future holds and I think the other body did the right thing by amending this bill and approving it by putting a sunset on it. We have three years to figure this out, according to the sunset. It is a very small subsidy.

I think the other thing that's really interesting is, landfill gas gets this subsidy right now. In fact, it gets a bigger one. Landfill gas gets it. Waste-to-energy doesn't. They're making energy out of the exact same thing: solid waste. The funny thing is, they don't, in the landfill gas arena, actually make energy out of those plastics and styrofoams. That sits there until the sun goes supernova. So, at this point, I think this bill, especially as it has been amended by the other body, with the sunset, makes sense for the short period of time it's going to be in existence. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker, Men and Women of the House, we have, in law, a hierarchy for our waste management and it is reduce, reuse, recycle, compost, and waste-to-energy before we send things to landfill. I appreciate that we don't want to overburden our population with fees. However, we need to do something as a state to address the problems we have with our trash and no one ever wants to pay to increase our capacities of how we manage it.

Waste-to-energy plants still work hard to remove recyclables before it goes to the incinerator. It, in no way, will diminish our efforts in that area. And we just passed LD 313, which moves our solid waste program forward. This is a short-term solution to

try and address the problems our waste-to-energy plants are having. They pay good jobs and they are an important part of our hierarchy law. Thank you.

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

Representative **DUNPHY**: Thank you for allowing me to speak a second time, Mr. Speaker. This bill creates an incentive not to promote reuse and recycle. Communities can create those incentives for residents to reduce their waste stream through recycling programs and fees on trash disposal. If fees go up, residents have strong financial incentives to become more efficient. Ironically, this bill cuts against this principle by creating financial incentives for communities to use more materials in the waste stream, and in turn reduces the incentive for municipalities to encourage their residents to reuse and recycle.

And when we talk about a short term, in reference to a comment made over there, I'd like to reiterate, once again, that MERC received \$485 million in December 2010 and the payments went on to 2012. This isn't short-term. This is continually, continually, continually funding. We bought contracts out in 2000. We were paying 10.9 cents a kilowatt hour in 2010. This, it doesn't encourage reuse, reduce, and recycle. It simply allows you to dump it in and burn it. And in terms of a short-term fix, we've been dealing with a short-term fix since around 2000 and it's been a long time and cost us a ton of money. Thank you.

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

**ROLL CALL NO. 574**

YEA - Alley, Babbidge, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, DeChant, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Frey, Gattine, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Greenwood, Hamann, Harlow, Herbig, Herrick, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Mastraccio, McCreight, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Timmons, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Bates, Beck, Bickford, Black, Buckland, Campbell J, Chace, Crafts, Davitt, Devin, Dillingham, Dunphy L, Edgcomb, Espling, Farrin, Fecteau, Foley, Fowle, Fredette, Gerrish, Gillway, Guerin, Hanington, Hanley, Harrington, Head, Hickman, Higgins, Hilliard, Hobart, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Melaragno, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dion, Grohman, Hawke, McLean, Pouliot, Sanderson.

Yes, 71; No, 74; Absent, 6; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, with 6 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, on motion of Representative McCABE of Skowhegan, the House voted to **INSIST**.

---

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

---



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

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

TABLED - March 29, 2016 (Till Later Today) by Representative MARTIN of Eagle Lake.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Members of the House, many of you have asked why I sponsored this legislation, and perhaps give you a couple of reasons why. First of all, some of you have been told that ALEC were the chief backers of this legislation. That is not quite accurate. And second, you were told that unions are opposed to this. This is not accurate. In those states where, in fact, this legislation was enacted, it was actually with the support of labor unions throughout the various states, whether it be Pennsylvania or the State of Washington, for example.

Very quickly, what took place in this particular legislation, why it came before us, and the legislation was actually drafted by a committee that came from the National Conference of State Legislatures as a sample legislation that what could be enacted in order to solve problems like this one. This particular company was purchased as a result of a buyout of one company buying out, basically, the competition. And after they acquired the company, low and behold, they found that there was a small entity corporation that they had that was not producing asbestos, but in fact, was part of that company. They owned that division for about 90 days or so and they dispose of it. At no time, at no time, did this company, did Crown Cork ever, ever produce asbestos at any time during that period, nor since.

You've also been told that this will impact those people who might have a claim with asbestos. In fact, that is inaccurate and anyone who has said that is grossly inaccurate because that is not the case. This would have no impact on anyone who has asbestos or applies for it or is presently a lawsuit is vesting. With the issue of asbestos is part of a medical condition. What this legislation does is an attempt to restrict, basically, the long arm of lawyers in getting to the assets of a company over which there was no issue.

Twenty-four states have already enacted this legislation and the real purpose of why the bill is here is basically to provide an opportunity for this company to continue to survive. The liability that's been posed upon them by banks because of, quote, "a potential liability as a result," has raised the issue with people of finance. That's why we have an issue here today. At no time would I be supporting a piece of legislation that has any problems that would create a problems for people who have asbestos or potentially could be filing a lawsuit.

Secondly, I'd be more than happy to put up my labor record with anyone else, and that's certainly not an issue from my point of view. So the bottom line here, in this legislation, is providing an opportunity for continue to survive a particular corporation. It is accurate that this company does not have employees in Maine, but it does have retirees in Maine.

In terms of fairness, in terms of what 25 states have done, we would become the 26th state if we were to enact this legislation. And so, I'd urge you to vote against the pending motion and I request when the vote be taken, be taken by the yea's and nay's.

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: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBSINS**: Thank you very much, Mr. Speaker, Women and Men of the House, this bill that came to the Joint Standing Committee on Judiciary put our committee in an unusual situation. Essentially, what the legislation attempts to do is put the committee and the Legislature as the jury to determine before there has been a trial or there's been issues involved with a court case, that individuals would be foreclosed in this particular case, those who have suffered a horrible, horrible disease, horrible conditions caused by asbestos.

I had the opportunity to meet with the retired CEO of the company, who has gone all over the country—in fact, I believe, more than 30 states—in an attempt to exempt out and to exclude this particular company from liability. He is very sincere, very open, and quite frankly, committed to this cause. And many states have gone along. In fact, the good Representative from Eagle Lake, Representative Martin, is correct that the number is 24.

I do not believe, after the extensive hearing, that there was a case made by this company, given all the facts and given all the information that was presented to our committee. I've tempted to try to come up with a reason why we should exempt this particular company from this particular unique situation and why the Legislature should be used as a way to bypass a court and foreclose individuals to go through the process.

Maine also, as many of you know, has the highest annual asbestos death rate in the nation. I would offer you to look at the handout that was provided under my signature for your consideration. It is very telling and very tragic that the annual mortality rates from asbestos are far higher in the state's own outsized average. For example, Sagadahoc County: 37.8 percent, Lincoln County: 32 percent, Washington County: 18.2 percent, Waldo County: 15.2 percent, Piscataquis County: 16.8 percent. The reason I bring that to your attention is because Maine, because of its uniqueness with the past jobs and companies that did business in the state, exposed some of it inadvertently and some of it after having knowledge to the dangers of asbestos, which in the building of the work product that was accomplished at shipyards, paper mills, and the like.

I really think that this bill is contrary, even though I do have some sympathy for the company itself. But then again, the history of that company goes back 50 or 60 years, and obviously we are only getting one side of the story. The one side of the story, quite frankly, was articulated very well by those who are represented by the company in the halls of the Legislature and by the sincerity of the retired CEO of the company. However, it doesn't, the balance doesn't go the way of giving the special break to one particular company that doesn't do business in Maine.

I think the standard has to be higher and I urge you to listen to the testimony from others that will be speaking after me, and make the decision that the majority of members of the committee made and not support this bill. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I rise today in support of the Ought Not to Pass Report. I oppose the motion to Ought Not to Pass Report. I support Representative Martin. I support this bill, 1181.

This bill is aimed at asbestos-related liabilities. The problem that created these liabilities were identified by the Department of Labor in 1972. This bill only affects companies that bought the stock of companies before 1972 and that never manufactured or sold the products giving rise to these types of claims. In one case, the company only owned the asbestos-related business for 90 days back in 1963 or 1964. They never ran a business during those 90 days, the insulation wasn't known to cause illnesses at that time, and yet the company still has paid out millions of dollars in asbestos claims. That just isn't fair and it's costing jobs.

This bill opposed by the trial lawyers, of course. The trial lawyers are dead against this bill. But anyone who has been harmed will still have just as many avenues to seek damages. There are literally hundreds of defendants named in these cases and there are some 60 trusts worth over \$38 billion in assets—that's with a "b," not an "m." Billion.—available to pay damages to workers with asbestos-related claims. Passage of this bill will not diminish the ability of anyone to recover damages from the responsible parties. The protections in this bill would not be available to any corporations that were involved in the manufacture or sale of asbestos-related products.

And I'll finish by furthermore, that the unions, in particular, the International Association of Machinists and the Union of the Aerospace Workers in the states where Crown does have a presence, such as Washington, Wisconsin, Nebraska and Minnesota, have fully endorsed this legislation. This legislation is fair and just and I hope you will support this legislation. Thank you, Mr. Speaker.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the original company, Crown Cork, used as an example for the bill before us, had never manufactured or used or distributed asbestos. It made bottle caps and its largest customer was Coca Cola. It was profitable, growing and at one time employed 12,000 people. In 1963 it had the misfortune to acquire a small \$7 million competitor, also a bottle cap manufacturer. This small company had a side business that was not in operation at the time of the sale.

The side business dealt with insulation. The insulation, like most material at the time, used asbestos due to its fire retardant properties. The successor company, Crown Cork, divested of the side business within weeks of acquiring the bottle cap company. They had no interest in this sideline, already closed business.

Fast forward to today. Crown Cork, the original company, who acquired the assets and liabilities of a smaller competitor, was sued and has duly paid over \$800 million in asbestos claims since 1972, the year when asbestos was declared a carcinogen by the FDA. If you include interest payments, Crown Cork's liability from its \$7 million acquisition exceeds \$1 billion. Their workforce has shrunk from 12,000 to 4,000. By the way, these are good paying US manufacturing jobs. It has been estimated, by the way, that asbestos litigation has cost the US 500,000 manufacturing jobs that have little or no connection to asbestos.

When this bill came before our committee, the argument was made that this company, now known as Crown Holdings, being used as an example, was not a Maine business. Therefore, why should we care? Well, if a successor company was located in Maine, or if it were in my district, I promise you that I would fight tooth and nail for this company and a sense of proportion. And I daresay, most of my colleagues would too. Instead, this successor corporation was brought to its knees, going from 12,000 to 4,000 employees. It continues to this day to pay, and I

would say fraudulent claims, as a result of powerful and large out of state law firms.

But what about the victims of asbestos? Well, there are \$38 billion in trust funds set aside by the over 100 US manufacturers driven to bankruptcy by asbestos litigation. This is over and above the court awards the victims for over four decades. Victims of mesothelioma and their families can access this trust fund without sharing 40 percent of their award with high-powered law firms. There are funds for these victims without the continuous plundering of US manufacturers. The average award is \$180,000 but many are between one and five million. The motion should be defeated in order for us to pass a good law that introduces a decent sense of proportionality to punitive liability suits. We need to pass a cap on the liability of successor corporations and stop the shakedown of US manufacturers. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the motion Ought Not to Pass. Decades of uncontrolled use of asbestos, even after the hazards were known in the early 1930's, resulted in a legacy of disease and death. Across the country, hundreds of thousands of workers and family members have suffered or died of asbestos-related cancers and lung disease, and the toll continues.

Asbestos-related diseases primarily afflict working people. The top occupations affected are blue collar workers like fire fighters, paper mill workers, ship yard workers, construction workers and other industrial workers. More than 2,000 Mainers have died from asbestos-related diseases since 1999. According to a new study from the Environmental Working Group, this is the highest death rate in the nation based on population and is more than twice the national average.

Concerning LD 1181 specifically, the company seeking immunity, Crown Holdings Inc., is asking the Maine Legislature to limit how much Mainers can recover through the courts if they were exposed to Crown's asbestos products and they became sick or died as a result. This bill sets a terrible precedent. If we grant this special favor to this particularly large, multinational company, you can rest assured that all other corporations will be knocking at our door, demanding that we do the same for them. Finally, Crown Holdings doesn't even do business in Maine. They are just doing this to hold us up as an example to other states. Please join me in supporting the pending motion.

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

Representative **WARREN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise today to speak in favor of the Ought Not to Pass motion on the floor. This bill is asking us to make a simple choice. Do we choose to grant total immunity to one out of state corporation, or do we choose to protect the lawful claims of Maine citizens who have been subjected to asbestos exposure and are suffering from a horrendous disease that will ultimately kill them?

LD 1181 is asking the Maine Legislature to grant immunity from asbestos liability to one company and that company is not a Maine company, but a Pennsylvania corporation. This is a company that has repeatedly been found liable for asbestos-related claims by the federal courts. Crown wants the Legislature to take away the right of Maine citizens to pursue their claims against Crown Cork. If we grant this immunity, it will be at the expense of the citizens of Maine who have asbestos-related claims. If we grant this immunity, our Maine citizens who have a valid claim against Crown Cork will not be able to pursue those

claims. If these victims are not compensated by Crown Cork, then the massive medical expenses incurred in the fight against this disease will be paid by someone else. The bills may be paid by health insurance companies if it's available, they may be paid by Worker's Compensation if the exposure was at work. They may be paid directly by MaineCare.

Mr. Speaker, someone has to pay these bills and in all of these cases, the cost will be shifted from Crown to an entity in the State of Maine. Mr. Speaker, this vote should be an easy one because the choice is clear. We can either vote to protect the citizens who sent us here to represent them, or we can vote to protect a Pennsylvania company with no business interests in Maine. I'm choosing Maine people. I'm voting "yes" on the Ought Not to Pass motion on the floor and I hope you'll all join me. Thank you, Mr. Speaker.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Members of the House, I just want to make a couple corrections. First of all, Crown has never manufactured, sold, or have they ever installed any asbestos material anywhere in the United States or anywhere else in the world. Question then, why are they liable? Potentially, it's because of the deep pocket theory, which of course, to it liability brings around. That's the reason.

No one in Maine will suffer for lawsuits on asbestos as a result of this particular piece of Legislation. Keep in mind that they have never produced any asbestos as a corporation. Crown Cork does do business in Maine because many of the new businesses that are being producing beer products in this state, that's where their cork supply is coming from. But it's not fair and that's not the reason why we should be looking at it. The question is: Is it the right thing to do? It's that simple. And so, I'd urge you to vote against the pending motion.

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

**ROLL CALL NO. 575**

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

NAY - Austin, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgcomb, Espling, Farrin, Foley, Gerrish, Gillway, Greenwood, Guerlin, Hanington, Hanley, Harrington, Head, Herrick, Higgins, Hilliard, Hobart, Hymanson, Kinney J, Kinney M, Lockman, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McClellan, McElwee, Nadeau, O'Connor, Ordway, Picchiotti, Pickett, Prescott, Reed, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dion, Fredette, Ginzler, Grohman, Hawke, McLean, Pierce J, Pouliot, Sanderson.

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

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

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-655)** on Bill "An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market"

(H.P. 305) (L.D. 466)

Signed:

Senators:

WOODSOME of York

HILL of York

MASON of Androscoggin

Representatives:

DION of Portland

BEAVERS of South Berwick

DeCHANT of Bath

DUNPHY of Embden

GROHMAN of Biddeford

HIGGINS of Dover-Foxcroft

O'CONNOR of Berwick

RYKERSON of Kittery

WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-656)** on same Bill.

Signed:

Representative:

BABBIDGE of Kennebunk

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-655)** was **READ** by the Clerk.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker, I wanted to explain my position on the Majority Report, which is before you. The committee did a great deal of work on this bill. Less than a decade ago, FairPoint bought out Verizon and part of that deal was that they would provide provider of last resort service. Because of changing technology and the fact that more and more people are going to mobile phones, they asked for some relief and I think the committee worked wonderfully to come up with a way to provide that for them.

My dissent is that I'm not ready to totally deregulate this service at this time and so I think this Majority Report would be improved—since that's the Report I must speak about—if it were to include the provision that current provider of last resort customers be grandfathered for a period of five years and the current service quality requirements be maintained. That is the only difference. Both of these reports are very, very large, but

basically, that's the difference between the two reports. So I thank you, Mr. Speaker.

Subsequently, **Committee Amendment "A" (H-655)** was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-655)** and sent for concurrence.

---

**COMMUNICATIONS**

The Following Communication: (H.C. 513)

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

April 8, 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:"

Taxation

L.D. 1691 An Act To Improve the Maine Tree Growth Tax Law Program

Veterans and Legal Affairs

L.D. 1690 An Act To Establish a Public Service Berthing Vessel License for the Sale of Liquor

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

---

The Following Communication: (H.C. 514)

**DEPARTMENT OF HEALTH AND HUMAN SERVICES  
COMMISSIONER'S OFFICE  
221 STATE STREET  
AUGUSTA, MAINE 04333-0011**

April 6, 2016

Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Please consider this formal notification that, pursuant to 22 M.R.S. § 3173-G, Public Law 2015, Chapter 356, An Act to Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services of Reproductive Health Care and Family Services, the Department of Health and Human Services (DHHS) has received written approval of the required state plan amendments from the Centers for Medicare and Medicaid Services (CMS).

In order to implement this legislation, DHHS must now promulgate rules in accordance with the Administrative Procedures Act (5 M.R.S. §8052).

Sincerely,  
S/Mary C. Mayhew  
Commissioner

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

---

The Following Communication: (S.C. 969)

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

April 8, 2016

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

Dear Speaker Eves:

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

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Michael H. Graham of Weld for appointment to the State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Lisa L. Turner of Freeport for appointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Bradley S. Moll of Yarmouth for appointment to the Land For Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Honorable Alexander R. Willette of Lewiston for appointment to the State Harness Racing Commission.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of William L. Varney of Bangor for appointment to the State Harness Racing Commission.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Theresa A. Sutton of Cumberland for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Jason E. Coombs of Brunswick for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of John M.B. Craig of Waterville for appointment to the University of Maine System, Board of Trustees.

Upon the recommendation of the Committee on Judiciary, the nomination of Dr. Carlann Welch of North Yarmouth for appointment to the Maine Commission on Indigent Legal Services.

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

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

---

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

---

On motion of Representative HEAD of Bethel, the House adjourned at 2:52 p.m., until 10:00 a.m., Monday, April 11, 2016.