

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
37th Legislative Day
Monday, April 11, 2016

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

Prayer by Marilyn Weinberg, Lay Leader and President, Bethel Israel Congregation, Bath.

National Anthem by Boothbay Region YMCA Chorus.

Pledge of Allegiance.

The Journal of Friday, April 8, 2016 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY)

(S.P. 667) (L.D. 1640)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-456)** in the House on April 7, 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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative FREDETTE of Newport inquired if a Quorum was present.

The Chair declared a Quorum present.

Speaker EVES of North Berwick moved that the House **INSIST**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **INSIST**.

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 Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 576

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Gattine, Gideon, Gilbert, Gillway, Golden, Goode, Grant, 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, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Ward, Warren, Welsh, Mr. Speaker.

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

ABSENT - Buckland, Dion, Frey, Grohman, Hamann, Hanington, McElwee.

Yes, 83; No, 61; Absent, 7; Excused, 0.

83 having voted in the affirmative and 61 voted in the negative, with 7 being absent, and accordingly the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Encourage the Purchase of Products Made in Maine and in the United States and To Give Preference to Maine Businesses When Awarding Contracts"

(S.P. 587) (L.D. 1525)

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-459)** in the House on April 7, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-460)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Improve Teaching Assignments in Maine's Public Schools"

(S.P. 604) (L.D. 1544)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** in the House on April 7, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-401)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Provide Funding for the County Jail Operations Fund (EMERGENCY)

(S.P. 652) (L.D. 1614)

(C. "A" S-400)

FINALLY PASSED in the House on March 24, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-400) AS AMENDED BY SENATE AMENDMENT "B" (S-508)** thereto in **NON-CONCURRENCE**.

Speaker EVES of North Berwick moved that the House **RECEDE AND CONCUR**.

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

Representative FREDETTE: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, the issue on funding our jails has been something that has existed as long as I've been here since 2010. And unfortunately, well, to give you an example, when I came here in 2010, school consolidation was

a big issue. It was something that was going on statewide and, quite frankly, in my opinion, school consolidation was a failure.

And so, back in 2010, we stopped the process of mandating school consolidation so that local school districts could figure out what was the best way forward for them in a process of trying to manage resources and governance and whatnot. But, the point of it is, is that, in my opinion, my humble opinion, mandated school consolidation was a failure. And we recognized it for what it was in the 125th and we changed it. Now, the issue before us in this particular bill is the question on whether or not consolidation of our jails, under a system, sort of half controlled by the state and half controlled by the counties, is a failure or not. And, I would be of the opinion—again, this was something done prior to 2010—I'm of the opinion that the consolidation of the jails has been a failure.

Now, it's not necessarily a failure of county government or county commissioners or the county sheriffs, but it was a structure that was set up that hasn't worked. It's just that simple. And so, since 2010, since I've been here, there's been this ongoing struggle between whether or not the counties were going to run the jails or whether or not the states were going to run the jails, and in my opinion, for six years, we've sort of muddled along in this system...

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

Representative **TEPLER**: Mr. Speaker, I question the relevance to the motion at hand of the speaker, of the good Representative's speech.

On **POINT OF ORDER**, Representative **TEPLER** of Topsham asked the Chair if the remarks of Representative **FREDETTE** of Newport were germane to the pending question.

The SPEAKER: The Chair would remind Members to stay consistent with the motion before us, a Recede and Concur motion on funding for county jail operations. It's an emergency measure.

The Chair reminded all members to confine their debate to the question before the House.

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: In regards to the question of funding, which is really the question of consolidation, those are the two dots that need to be connected because consolidation and funding are one in the same, that the question becomes whether or not we are going to do anything to really fix this problem. Because since I've been here, since 2010, we've made efforts at it, the Criminal Justice Committee has made efforts at it, and there's been this ongoing question of funding of the jails.

And ultimately, the question is, is whether or not funding can happen at the level of the state whereby at least some jails have been successful under the current system and some are quite frankly, struggling. And so, the process that we've, sort of, gone through here is, is to provide a little funding here and there along the way, but not truly address the fundamental structure. And so, the question of funding and structure are intricately combined and tied together, just to be able to connect those two dots: funding and structure.

So, the question is whether or not we want to pass this Resolve with i.e. let's just make a point here first of all, a new funding source. Okay? Because that's what this is first of all, is a new funding source. Non-general fund revenues to fund this issue. About \$2.5 million roughly. So, we have this bill now, which I believe, in my opinion, on behalf of our caucus, a non-general fund funding source to provide, yet, another Band-Aid for the county jails, which I think is something that our caucus is supportive of. And I can only speak for myself, but I think,

generally speaking, our caucus is supportive of funding which is non-general fund funding.

The problem in this particular Resolve, however, in the Recede and Concur motion is that it does not address the issue of the cap, and whether or not that cap needs to be removed. And so, in my humble opinion, the bill in its current form should not be supported because it does not have language in it that removes the cap. Now, there are other mechanisms available to fund the jails and to remove the cap. However, we cannot do that in this bill.

So, just so people understand, what my intent would've been, is to provide an amendment to this bill that would've said, "I support this bill. I support the finding stream. However, it doesn't remove the cap." However, you can't do that under the rules. You cannot amend a bill that's a Resolve—I shouldn't say that—you cannot amend a bill, a Resolve. So, we can't do that with this particular instrument.

Now, we're getting near the end of session. We're not at the end of session. I would suggest that we vote down this bill so that, once again, we can come back to this issue and have an instrument whereby we can truly look at, not only the issue of funding, but also the issue of the cap so that we can come back here next year committed to resolving this problem, which has been ongoing, certainly longer than school consolidation mandates. So, I would ask you to follow my light for those reasons. And, Mr. Speaker, I request a roll call.

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 Vassalboro, Representative Fowle.

Representative **FOWLE**: Thank you, Mr. Speaker, I'd like to address the concerns that the great Representative from Newport, Representative Fredette, brought up. Our committee talked a lot about the cap. In the current law, the cap has been raised to three percent, which is an increase. If every county had taken advantage of that, I could understand removing the cap. But they hadn't. We have some that have not used it. We have some that have.

And as far as jail consolidation not working, we talked a lot about that. We took two years working on jail consolidation, dealing with the issue of board members not being appointed, laws not being enacted. So, I think we addressed the issue quite seriously in our committee. I understand that there will probably be more bills next year and some that will probably even address the cap, but the committee took a good look at this and realized that this was not the time. Let the counties adjust to what is coming forward: the change in the law from consolidation to letting it go back. If you want to lift the cap and shift costs over to the municipalities, we were concerned in the committee. That's why it is not in this motion of raising municipalities more than three percent, which current law does allow them to do. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Chenette.

Representative **CHENETTE**: Mr. Speaker, Men and Women of the House, the good Representative from Newport mentions a fundamental structure. If we had an individual that did his job and appointed members to the Board of Corrections, we wouldn't even be at this place. But we had to take leadership, Mr. Speaker. Our committee, the Criminal Justice and Public Safety Committee, had to do its job in dealing with a manufactured crisis.

The county commissioners across the entire state, our sheriffs across the entire state came together over many, many months, Mr. Speaker, to develop bipartisan solutions that we agreed to. To develop what we believe is a new structure. No one else had solutions. We did. A majority of the funding and the control is on the local level, not at the state level. A small piece of what we are talking about comes from the state, and of that percentage that comes from the state, we stipulated how that money should be spent: on community corrections, making sure we end the vicious cycle of recidivism.

If we talk about eliminating the tax cap, let's bring it back to why we put the tax cap in in the first place: to protect property tax payers. We hear back home in our districts that property taxes are through the roof and we have a suggestion in this body that we want to increase property taxes? I'm sorry, Mr. Speaker, that's not why we are here. Counties had a mechanism we put in place to raise property taxes up to three percent based on their LD 1 growth rate. That is a responsible way to do this, to make sure we're protecting property tax payers, while making sure our jails do not close their doors.

The fact of the matter is, most of the counties didn't actually need that, and in fact don't need supplemental funding. We are only talking about a handful of counties that actually really need supplemental funding and that's what this is, Mr. Speaker. This is a one-time supplemental funding that is needed. If we want to come to the table and talk about more solutions, I hope to see more in this body actually attend our public hearings or work sessions, because we came up with bipartisan solutions. I have yet to hear an alternative that actually works to protect property tax payers without closing our doors of our jails. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I didn't anticipate debate on this this morning, as we've already debated this issue several times. This bill and this funding mechanism that's before us now is something that was worked in the Appropriations Committee. The funding source that's included in this is a funding source that, I was under the belief, came forward out of concerns that many folks in this chamber, especially House Republicans had, came forward late in the week last week with an alternative funding source, an alternative funding source that I thought this morning would be a simple Recede and Concur motion, probably under the hammer, possibly a roll call without any debate.

But I did want to connect the dots for a moment, as the good Representative from Newport, Representative Fredette, did earlier. I would agree: we have fallen short when it comes to issues of school funding. We've seen that time and time again. As I finish out my eighth year here, I realize that each year we come up shorter than the year before. Earlier this year, we could only agree to \$15 million, when probably, we should've been at \$40 million; better than the zero that was proposed originally. And here today, we have a good compromise. A compromise, as I said before, was brought forward, brought forward, my understanding, by House Republicans to find a way to solve this issue, an issue that we've heard about statewide, an issue that I heard about directly from my sheriff who came to us and asked us to do something.

And I also want to stand today and have the opportunity to thank those House Republicans on Appropriations who continued to discuss things. Late nights last week, moving things forward, and getting us today to the point where we are today: the other body sending down what they've sent to us. And I think we have an opportunity to send a clear message to the voters back home

that we do care about property tax relief and this is our chance to do it. So, I think that folks who were with us before on this issue should feel good about that. Folks who were on the fence before, we've taken care of the funding now. We've got a funding source that I think we all can agree on, and I hope that this gets a strong bipartisan vote today.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, just in response to a couple of the comments that were made. First of all, I would suggest that the House Republicans do care about the funding source and we provided a solution to that. And I would add that, at the same time, House Republicans, at least in my recollection, were also intent on having a discussion about fixing the problem in a serious way. And so, therefore, my belief is, is that at least from my opinion, is that we wanted to provide a funding source, but also provide a mechanism for a removal of the cap so that we would be coming back here in eight months and be dealing with this issue.

So, I mean, this is not an issue that's a major time issue and so, I think we can certainly can do that. And in regards to the issue about the concern about the property tax payers, what about the tax payers that pay into the state? Because it's just a question of where is the money coming from? Is the money coming from the county? Or is the money coming into the general fund and we're taking it from there and we're going to pay it over here. So, it's just a question of where is the money coming from? Locally or from the state?

And what I'm suggesting is, is that, once we can create accountability and we can have metrics and a system and a structure that works, I suspect we're not going to have to deal with this again. And that's what, I think, at least my intent is, is to have that, this funding source at least put us in a position, in a posture, so that when we come back here in eight months, we're going to actually be looking at the more fundamental question and not the symptom. And I think that's the important part. The important part here is whether or not we're going to continue to reform state government, or are we going to continue the status quo? And I think that we've been very intent as House Republicans on continuing to work on reforming state government, moving it in a positive direction, not simply maintaining the status quo. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I don't want to prolong this debate, I just wanted to clarify one thing that was said by the good Representative from Newport, Representative Fredette, in regards to the timing of this issue. And this is an issue that is timely. When I met with my county officials, they needed to know. They are in the process of completing budgets. They cannot wait until December. We cannot wait until December. We will no longer be a body of the Members that are seated here today, come January.

We have an issue before us, an issue that we've taken up before. There is actually a roll call vote that we took on March 23rd, where 118 of us said "yes." Twenty four of us said "no." Nine of us were absent that day. So, I hope today, when we take this vote that the number is at least above 118 and we send a clear message to the folks back home in our counties who are working on their budgets right now that we stand committed to lowering property tax.

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. 577

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Gattine, Gerrish, Gideon, Gilbert, Golden, Goode, Grant, Greenwood, Hamann, Harlow, Harrington, Hawke, Herbig, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Maker, 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, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Verow, Ward, Warren, Welsh, Mr. Speaker.

NAY - Austin, Black, Chace, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gillway, Ginzler, Guerin, Hanley, Head, Herrick, Hilliard, Kinney J, Lockman, Lyford, Malaby, Marean, McClellan, Nutting, O'onnor, Ordway, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Sirocki, Skolfield, Stetkis, Theriault, Timberlake, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Buckland, Frey, Grohman, Hanington, McElwee. Yes, 102; No, 44; Absent, 5; Excused, 0.

102 having voted in the affirmative and 44 voted in the negative, with 5 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

COMMUNICATIONS

The Following Communication: (H.C. 516)

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

April 8, 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 949, "An Act To Enact the Recommendations of the Commission on Independent Living and Disability."

This bill would grant an advocacy agency standing to sue Maine businesses for violations of the Maine Human Rights Act. I am trying to improve Maine's business climate, and opening the floodgates for more litigation would be a devastating step backward.

It also would require the Statewide Independent Living Council (SILC) to produce annual reports and create a "working group," all of which would have vague and unnecessary missions. SILC also has a history both of failing to meet contractual obligations with the Department of Labor, which provides its funding, and of asking for more funding.

SILC's 2016 funding from DOL is \$55,500. Last year, SILC requested an additional \$136,920. I suspect that the mandates SILC seeks to impose upon itself in this bill are little more than make-work proposals to justify future funding requests. It is

especially inappropriate that the sponsor of this legislation is SILC's sole employee. Alas, so goes politics in Augusta. If the Legislature sends bills to me that would expose Maine businesses to additional litigation while rewarding a lawmaker's employer with make-work projects, it should always expect a veto.

For these reasons, I return LD 949 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The accompanying item An Act To Enact the Recommendations of the Commission on Independent Living and Disability

(H.P. 652) (L.D. 949)
(C. "A" H-578)

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

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, first off, I've got a pretty bad cold so I apologize that I'm just trying to breathe, basically, today. But I do rise to ask you to defeat the Chief Executive's veto and thus to support LD 949. In my role as both a person working with people who have special needs and as a volunteer board chair for an organization who helps the poorest people in their community, which is Lewiston, often who are new citizens as well, I've been blessed, Mr. Speaker, that every time I've asked the Chief Executive to attend a function for these two focuses in my life—three or four times probably—he's not only come, but he's always been incredible. I know the Chief Executive's heart for people is great.

So, having said that, the tone of the veto was pretty rough and personal. Please know, from my opinion, the tone was not about just this bill, but a bigger issue. Seeing it Friday just before we left, I can tell you, I didn't sleep really well on Friday night. That's pretty silly, isn't it? I just laid there thinking about myself at first, which I think's human nature, but then God moved me to start thinking about people with disabilities and special needs who lose in these arguments and I started praying for them. Later, God kind of pushed me to start praying for the person who wrote the veto letter, the department leads and the Chief Executive who endorsed the comments. And finally—and they're all good people, Mr. Speaker—and finally, sleep was able to come.

So, LD 949 came out of the Blue Ribbon Commission on Independent Living sponsored and chaired by Rep. Matt Peterson, my good friend from Rumford, a similar study had occurred 30 years earlier, so it was time for a new one. When we think about people with disabilities, Mr. Speaker, we often think about, "Get them jobs." And that's very important to some, but I challenge you to think about independent living as a higher level of thinking because independent living includes other things like recreation, where you live, your transportation, your spiritual needs, all these different things that make you a person. And in some cases, it's not going to be a job, Mr. Speaker.

The Blue Ribbon Commission was created, had a great and diverse, I would say, good group of people that worked on it. They worked hard, there was a lot of research, a lot of comments from the public. I served on the Commission as a community member and ultimately, out of all the work, there was eight recommendations, Mr. Speaker. You can find that report online. LD 949 then, simply, was just putting those eight recommendations forward to this body and to the other body for their consideration. In this case the bill went to DHHS Committee. The sponsorship of the bill fell to me, but it didn't have to. It just worked out that way. And this bill actually spent two sessions at the DHHS Committee.

I cannot share enough my gratitude for the DHHS Committee and the work they did. I'm guessing we met about 10 times. The dialogue flowed and the new ideas came forth. I believe the recommendations that we put together were good. Ultimately, some were kind of difficult to envision, so we ended up going with just three recommendations.

The first would allow Disability Rights Maine to have standing to sue for violations of Maine Human Rights Acts. Sadly, we found that there are cases in Maine where this is actually happening, that people are being discriminated against. And ultimately, although this was not my favorite part of the bill, Mr. Speaker, all the department heads who were involved in this signed off on this as we finished the bill.

Secondly, Mr. Speaker, the Maine State Independent Living Council, Maine SILC, and yes, I work for them, was asked to report yearly on independent living in Maine. Instead of passing some of the recommendations that were going to be difficult to enact, some of the recommendations were simply asked to be put into a report that would come back to the Legislature yearly on how things were going for people with special needs. It was found during the process that we, the Commission, were not getting the information we looked for from the Maine government and community members also spoke about the lack of information as well.

Mr. Speaker, finally, the report mentioned in the veto was to study transportation vouchers for people with disabilities. This was the home run in the bill, the idea that could really change lives. Put yourself in the position of being in a wheelchair living four blocks from the bus on a snowy or rainy day, Mr. Speaker. Now imagine having the ability to hire your neighbor or somebody else to drive you to work or to the store. This voucher system is happening in many states, including rural states, with success. Again, we have a lot of information on this and wanted to simply have Maine look at the idea. Every department who attended the Commission or was approached after the Commission, immediately refused to discuss the idea until the DHHS Committee then asked Maine SILC if the SILC would run it. Knowing the Chief Executive hates to staff work groups, I actually thought this was creative and would be a good idea to him.

So, Mr. Speaker, in closing, please read the personal stuff in the vetoes as just strong passion between parties involved. But more importantly, acknowledge Maine people with disabilities, and I would add seniors and veterans, too, have to struggle often to find themselves to get any funding in this House. These people are a hidden resource who could help fill many job openings if they could just find their independence. LD 949 is not going to solve these issues, but it will bring to light some of the feedback and some of the issues that are happening now. I thank you in advance for your support. Thank you, Mr. Speaker, and I would request a roll call.

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. 578V

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

NAY - NONE.

ABSENT - Buckland, Frey, Grohman, Hanington, McElwee.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 517)

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

April 8, 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 1492, "An Act To Establish a Protocol for Review of State Education Content Standards of the System of Learning Results." On my desk in the State House sits a sign that reads: "After all is said is done, more is said than done." Such is the case with LD 1492. Despite all of the talk in Augusta about increasing education funding and Maine's education standards, student performance in our public schools remains flat or is in decline and cost continues to rise. By constantly adjusting our education standards and imposing unfunded mandates on our schools, the Legislature has been hurting, not helping.

In its amended form, LD 1492 prescribes new procedures for reviewing the Maine Learning Results to be used in future reviews. Originally introduced by the bill's sponsor as a vehicle to repeal common core standards from the Maine Learning Results, the bill quickly devolved into a recipe to take an existing review process and make it worse.

The review process for our education standards is already outlined in statute, and no change can be made to the standards

without being adopted by the Legislature. Under the current protocol, a review is presently under way for Standard 1, which includes the content for Career and Education development. Given this ongoing review and recent changes to the Maine Learning Results, it seems prudent to leave the existing protocols in place rather than add even more bureaucracy with a new layer of unnecessary, inflexible and unproven procedures.

By voting to sustain this veto, you will allow a successful review process to continue, and we can instead focus our efforts on the work of the Blue Ribbon Commission to Reform Public Education Funding and Improve Student Performance in Maine. For these reasons, I return this bill unsigned and vetoed. I strongly urge the legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Establish a Protocol for Review of State Education Content Standards of the System of Learning Results (EMERGENCY)

(H.P. 1015) (L.D. 1492)
(C. "A" H-579)

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

Representative **TUELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in support of the pending motion and ask that you override the Chief Executive's veto. First and foremost, LD 1492 offers parents, teachers, schools, and community members an opportunity to have much greater say in what our kids are taught in school. It allows people who work with our kids every day to have honest and frank discussions about K-12 education in Maine, and it requires that before the state tinker with educational standards—either generally or specifically—it gather feedback from the very people we represent. I may add, it does so by giving stakeholders multiple opportunities to weigh in, to work with the Department of Education, and develop standards that truly benefit students around our state.

Mind you, LD 1492 has had a long and twisting road. It began last session as another bill, submitted by the Representative from Lebanon, Representative Gerrish. Although that effort was defeated, conversations around repealing and replacing the Common Core continued, and a wide cross-section of unlikely allies—parents groups, teachers unions, local control advocates—came together and managed to get this legislation through the Legislative Council on appeal. In fact, I nearly fainted in front of the Legislative Council the day it did get through, because it was an appeal, and appeals are longshots at best.

Next, the Education Committee had its at bat. Needless to say repealing and replacing Common Core is anything but a grand slam. You've got parents, taxpayers, teachers, the business community, selectmen, school committees, all competing to have their voices heard. The discussion around this bill, combined with the discussion around Representative Gerrish's bill last session, produced a mountain of public testimony, and regardless of what you think of any particular point of view, the committee must have realized that Common Core bills would keep coming before the Legislature until we really knocked the stuffing out of standards and figured things out.

So the Education Committee listened to hours of testimony, gutted the original bill, but came up with a piece of legislation that strikes a balance between the need for standards and the need for public input, a compromise that recognizes the needs of

Maine employers and Maine parents, a compromise that holds government accountable while preserving its ability to oversee the big picture direction of K-12 education in Maine. I have to compliment the chairs, the membership, and the committee analyst, Dr. Phil McCarthy in threading the proverbial needle and coming out with a bill that does all of those things.

Mr. Speaker, this bill made it through this body 143-0. It sailed through the Legislature as a whole unanimously. Both parties, both chambers knew about this bill and where they were at with it when it came forward. Now we are faced with a veto message that basically says, "Let's wait until next year." All I will say on that is that the Chicago Cubs have been waiting till next year for 108 years. My Boston Red Sox waited 84 years, and were on the cusp of glory several times, but always came up tantalizingly, or agonizingly, short.

Waiting until January, when yet another committee looks at this issue, is not an option. We have a bill, right here, right now, before us, that got broad support and has no technical issues or legal grey areas. And we also have a bill that the Department of Education worked on, hand in hand with the policy committee, to avoid the very concerns that ought to trigger a veto. This bill has been heard, vetted, passed, and now we want to turn our backs on the entire process, and wait until next year? Really? Seriously? Wait until next year? At least if you're going to shoot a bill down, shoot it down on the merits of the bill, don't just knock it around because you'd rather heap more work on a study group that already has more than enough to keep itself occupied for the next couple years.

I've probably said enough here today to last the rest of the session, in fact, but I do want to leave you with this little story. Last session when we were getting ready to take up the other Common Core bill, I received no less than a dozen phone calls from my district in an hour's time. Many of these calls were from high school friends, grandparents with kids in school, people who I've known all my life, urging me to push forward on the issue. While I have received many emails on many other topics, I can honestly say that the notes from constituents on this one topic are far and away the most I've gotten on anything, with the possible exception of the biennial budget last year.

I urge you to vote green on the pending motion and send a strong message to the people of your districts that Maine schools are of, by, and for the local people, that a school is a reflection of the community it serves, and that leaders in Augusta acknowledge that regardless of what standards we have, we need to do a better job of involving the public in the conversation, or someday, there will be a citizens' initiative to throw everything out, which will create chaos. This is our chance, Mr. Speaker. Please join me in going green.

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. 579V

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

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

NAY - Sirocki.

ABSENT - Buckland, Frey, Grohman, Hanington, McElwee.

Yes, 145; No, 1; Absent, 5; Excused, 0.

145 having voted in the affirmative and 1 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 518)

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

April 8, 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 1659, "An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes."

The Maine Bureau of Parks and Lands holds public lots in trust for public uses. In 1994, the Bureau conveyed a public lot to the Sinclair Sanitary District with the requirement that the land be used solely for the public uses of the Sanitary District. In 2014, the District attempted to enter into a commercial lease with a telecommunications company to construct a telecommunications tower on a portion of the conveyed land. The District wants revenues from the lease to help with its budget. The proposal was inconsistent with the public trust purposes and violated the terms of the deed. This legislation was submitted as a way to undo the deal that the State made in good faith.

This bill would set an alarming precedent and could compromise many other deed restrictions that have been negotiated by the State and a private or public party. This deed restriction was a key part of the agreement between the State and the Sinclair Sanitary District and it is inappropriate for the Legislature to interfere in such a matter. A deal is a deal.

For this reason, I return LD 1659 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Authorize the Sinclair Sanitary District To Lease Land for Telecommunications Purposes (PUBLIC LAND)

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

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. 580V

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

NAY - Lyford, Wallace.

ABSENT - Buckland, Frey, Grohman, Hanington, McElwee.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 519)

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

April 8, 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 1669, "An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales."

The Maine State Lottery was enacted by the people of Maine in a statewide referendum in 1973. The Maine people created the Lottery and it is the responsibility of the Bureau of Alcoholic Beverages and Lottery Operations and the State Liquor and Lottery Commission to administer the Lottery. This bill seeks to insert the Legislative branch further into the executive functions of administering the lottery, micromanage the Bureau, and creates burdensome reporting requirements – despite the fact that this body regularly disregards the reports that it requires departments to submit.

This legislation is not necessary. In fact, a majority of the information sought in this bill, kept by the Bureau, is already

included in other reports produced by the Department or Bureau. Each report is already public and available to the Committee. This bill received absolutely no input from the Commission and was drafted by legislators reacting to false reporting that outright denigrated the residents of Washington County by misrepresenting data and manufacturing a crisis where one did not exist. Further, the reports unfairly disparaged the ethics and integrity of the hardworking people of the Maine State Lottery. The specific report called for under this bill would be time consuming and costly for the Bureau to produce. In order to create this report the Bureau would be required to request its contract advertising agency to spend a great deal of time culling through data and compiling a report. The contractor would need to be paid for these services in what amounts to an inefficient, costly exercise that will do nothing to advance the Committee's understanding of how the Maine lottery actually operates. Instead of asking for yet another report containing unnecessary and duplicative information, the best way for the Committee to gain additional insight into the operations of the lottery and spirits business is to engage with the Bureau during its annual report to the Legislature.

The Bureau has demonstrated a willingness to work with the Committee to address questions. The Bureau is transparent and forthright in providing the additional information necessary for the Committee to oversee and monitor the operations of the Maine State Lottery Commission and the State's spirits business. Therefore, this bill is simply not necessary, which is why I return this bill unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Require the Bureau of Alcoholic Beverages and Lottery Operations To Provide Annual Reports on Spirits Sales Revenues and Expenditures To Promote Lottery Sales

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

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, the bill before us today is a committee bill that came about as a resolve to the Government Evaluation Act on the Bureau of Alcoholic Beverages and Lottery Operations, or BABLO. So what's in this bill is that after we got the report, we felt two items would be important in terms of transparency and oversight. The first would be a reporting of liquor revenues. Since the previous Legislature just completed the new liquor contract, we felt it'd be important to see how the progress is going. And the second would be the amount of money spent on advertising for Maine State Lottery.

The reason why we felt this reporting would be important is because the information isn't readily available and that's because the agency acts as an enterprise account. They don't come before Appropriations with their budget and get approval that way. They simply take their money, run it like a business, pay their bills, and then send us a check at the end of the day.

As stated in the Chief Executive's veto letter, I agree with his assessment on the inaccuracy of some of the reports and accusations that came about in the, you know, six months of newspaper articles that were published about the state lottery. However, what did come to light was the fact that we really don't know how much taxpayer money is being spent to promote the lottery, with advertising. The bill before us provides that information to us. By no means is this a knock on the Bureau of

Alcoholic Beverages, on the good people who work there. We have a great relationship with them in the committee. This is simply about transparency to give us a better handle on oversight. I hope you'll vote to override this veto and I thank you, Mr. Speaker.

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. 581V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, 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, McClellan, 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, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Campbell R, Chace, Corey, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, 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 - Buckland, Frey, Grohman, Hanington, McElwee.
Yes, 80; No, 66; Absent, 5; Excused, 0.

80 having voted in the affirmative and 66 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 515)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

April 8, 2016
TO: Honorable Michael D. Thibodeau, President of the Senate

Honorable Mark W. Eves, Speaker of the House
and Democratic and Republican Leaders

FROM: S/Beth Ashcroft, Director
RE: Riverview Psychiatric Recovery Center

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on the Riverview Psychiatric Center. The report is also available on our website at <http://legislature.maine.gov/oepga/oepga-reports/9149>. If you have any questions, please do not hesitate to give me a call.

READ and with accompanying papers ORDERED PLACED ON FILE.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The SPEAKER: The Chair would inquire as to why the Representative from Amherst, Representative Lockman, rises.

Representative **LOCKMAN**: Thank you, Mr. Speaker, I rise to pose a question through the Chair on behalf of my constituents.

The SPEAKER: If the Representative could defer, we're right in the middle of a Legislative Sentiment.

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 Friday, April 8, 2016, 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 Michael John Brooks, of Lewiston

(HLS 1190)

TABLED - April 5, 2016 (Till Later Today) by Representative BROOKS of Lewiston.

PENDING - **PASSAGE**.

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 in recognition of my father. I think it's no secret, we do share the same last name and he is my father and I am really proud of him. He was a firefighter, as mentioned earlier in the sentiment. He, as other first responders do, helped the community in several ways. He started his running career by playing Sandlot in Somerville, Massachusetts and other childhood activities. And then he, as a firefighter, he ran in when others are running out.

But he really took running very seriously in his 40's, in his late 40's, and has run over 484 marathons and ultra-marathons. An ultra-marathon is over the typical 26.2 mile length of a marathon. He's taken many steps, but his proudest accomplishments are helping people in his community, whether it was when he was firefighting or delivering oil, helping the children both from Camp Sunshine and their families. Camp Sunshine is a wonderful camp and an asset to our community in Casco, Maine. And the children there are able to go for a period of time with their families to help in their healing process and it's really a great resource. And he has also done treadmill challenges where he walks on a treadmill for 12 hours at the YMCA to raise money for the Healing Tree, which is part of the Dempsey Center for Healing affiliated with Central Maine Medical Center. And he also, when he's running, some of his proudest accomplishments are helping other runners to persevere and to persist and that's one word that I would definitely use in characterizing him is perseverance.

He has struggled through some challenges medically. There was one race in Clewiston in Florida, where he parachuted out of a plane, ran for quite a while, actually ran first, jumped out of the plane with a parachute, and continued running. And when he got home from that race, he said, "Well, you know, I have a little trouble breathing," or whatnot, and it landed up and pain in my chest and it landed up that he had a blood clot that went from his leg to his lungs. And he was very, kind of, nonchalant about it and kept running. He's been diagnosed with some Coronary

Artery Disease and he persists in this passion that he loves among other things too. I can remember a dance he went to with my niece, his granddaughter, and he had an appendix issue following that.

Anyway, I'm very proud of my father. He is on his way. This week he's going to run seven marathons in seven states in seven days to help raise money for Camp Sunshine. So, I don't know, I don't believe I'm supposed to solicit on the floor, maybe I'm not, maybe I am, but check out the website for Camp Sunshine and thank you very much for your time.

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

Expression of Legislative Sentiment Recognizing Amy Fried, of Bangor

(HLS 1214)

TABLED - April 7, 2016 (Till Later Today) by Representative TIPPING-SPITZ of Orono.

PENDING - **PASSAGE**.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, one of the criticisms leveled at some universities is the "ivory tower" mentality, where studies are kept separate from the real world. I'm proud to represent Orono, the location of our University System's flagship campus, where no one can level that charge. Whether it's an entomologist reaching out to farmers, or a marine biologist working with fishermen, our university works with our state, not separate from it.

Our guest today, Dr. Fried, exemplifies this work. She is receiving this award because she works with the public to keep our constituents aware of and active in civics. Whether it's through her blog or her column, her work with the Scholar Strategy Network or the other pieces listed in the sentiment, or with her work as the advisor of the UMaine College Republicans, she works hard to keep the public involved and engaged. In a time when public engagement in our politics is vitally important, I think we all appreciate her actions and thank her for her work.

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

Representative **SCHNECK**: Thank you, Mr. Speaker, Men and Women of the House, I just want to take this opportunity to publicly congratulate Dr. Amy Fried. She's been a constituent, a friend, and a neighbor for basically all of the time that I've spent in Bangor. I want to congratulate her on her receiving the Presidential Public Service Achievement Award given by the University of Maine in Orono for a lifetime of public service. I'm sure that our children, my daughter Kelly and her daughter Sarah, grew up together. Two little troublemakers they were, but they would both be very congratulatory today as well. So I just want to take this opportunity again, and congratulations, Dr. Fried.

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, a bipartisan group of 59 legislators have signed an open letter of petition addressed to Representative McCabe asking that he recall from the table, LD 1652, "An Act Regarding Municipal Immigration Policies." The bill has been stuck in legislative limbo now for over three weeks and I'm rising to inquire through the Speaker, whether Representative McCabe is prepared at this time to recall the bill from the table so that we can have public hearing on this matter. Thank you, Mr. Speaker.

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

**REPORTS OF COMMITTEE
Divided Report**

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings" (H.P. 1077) (L.D. 1586)

Signed:

Senator:

BURNS of Washington

Representatives:

EVANGELOS of Friendship
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
MOONEN of Portland
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-660)** on same Bill.

Signed:

Senators:

JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
WARREN of Hallowell

READ.

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

Representative ESPLING of New Gloucester **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 Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I request that you support the Minority Report of this bill, LD 1586. This report and the Minority Report is an amendment that will provide that anybody subject to the Freedom of Access Act may conduct a public proceeding in which one or members participate remotely through telephonic video, electronic or other similar means of communication, but only if the body first adopts a written policy that governs the remote participation and that explicitly describes how the policy meets the principles of the Freedom of Access Act.

The policy must address under what circumstances a member may participate remotely, whether the body may conduct an executive session when a member is participating remotely, whether a quorum must physically assemble, the proceedings in which a member participating remotely may vote, and how the body will ensure that members of the public in attendance at the site of the proceeding included in the notice can hear or see and hear the members who are participating remotely. A body that adopts a remote participation policy must make the policy available on the body's publicly accessible website and must post a copy at the location of each meeting during which one or more members participate remotely. There are a few more indications, but you can read that on the amended version.

I just wanted to clarify some of the policy that is included in this amended report. This is an issue that's been brought forth to the Right To Know Advisory Committee four times and we believe, the Right To Know Advisory Committee, of which I was the co-chair, believe that this is probably the strongest piece of recommendations that we've submitted forward along with the amendment. Every town in Maine is different and I guess the Majority Ought to Pass will argue that certain towns wouldn't even think of adopting a policy like this, while other towns might, considering their layout and location and if some of their communities involve islands or coastal communities.

My town, I'm quite sure, would not support remote participation of elected body members, but that doesn't mean that every town should turn it down. So, after a lot of thinking, I decided to sign on to the Minority Report because I strongly believe that not every town in Maine is the same. And so, this amended version addresses that issue. Another reason is, I strongly believe that this is an issue that's just not going to go away. Particularly when you think of the next generation, the Millennials, many of them who basically grew up with a remote control in their hand. That's not to say that we should be doing everything remotely. But, for example, if the State of Maine is ever really, really serious about reducing the size of the Legislature, for example, you can certainly bet that the issue of remote participation will be part of that communication.

So I just really believe that we just need to, kind of, move towards the 21st Century and put in policies to address remote participation. So I do ask for you to support the Minority Report. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I am opposed to the Minority Report pending motion. I stand to be a voice for the people of Maine who want to be informed, involved citizens. Public meetings in our towns, cities and State House are a highly valued tradition in Maine. Being able to look your government officials in the eye at these public meetings is a vital process in keeping public servants accountable.

Can you imagine the dismay of the parent who comes to a controversial school board meeting only to find that the school

board members have decided to Skype in to this meeting, knowing full well that there were going to be unhappy citizens in attendance? Or how about the landowner whose property will be affected by the zoning board decision, who comes to a zoning board meeting and finds that some of the board members are Skyping in from Disney World instead of being in attendance to look the landowner in the eye. Please follow my light to preserve our tradition of open accountability in public meetings.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in opposition to the pending motion. I want to start by saying how hard our committee worked on this issue, not just this year and last year, but even the two years before that. We have really, really tried to come up with a comprehensive statewide policy that would work. We even thought we got there once and then it was vetoed by the Chief Executive, so it was clear that we didn't get everybody on board and we went back to the drawing board. And we did that again this term. We really tried.

I have tremendous respect for the Right To Know Advisory Committee and the recommendations that they came back to us with on when remote participation should and should not be allowed. And their recommendation was that it would be okay for appointed bodies to do this, but not for elected bodies. And their reasoning behind that was elected bodies are elected by the voters and they should be held to a different standard. And I think there's good reason for that.

When you think about your town council or your boards of selectmen or your school boards, they make big decisions on budgets, on hiring and firing employees, on taking someone's property through eminent domain for public use. They make big decisions. And I think we owe it to the voters to have them be able to address their elected officials in person at public meetings where those decisions are going to be made. When I think about my town, my town council has had a lot of divided votes in the last few years on big, controversial issues, some of them 5-4 votes. And I just couldn't live with myself if my vote was what allowed the fifth vote on the town council to be the deciding vote and if that fifth vote was cast from Florida, or from their couch in their home.

Elected officials choose to run and if they want the job, they should show up and do it. So, I think that is my first concern. You know, the Minority Report, the Ought To Pass Report, rejected the recommendations of the Right To Know Committee, which recommended only appointed bodies should be allowed to do this. So the Minority Report that's before us allows any body, any appointed body, elected body, to use this remote participation policy and I think this could lead us down a path of unintended consequences. And it's something that I'm not comfortable doing, so, to me, the Ought Not to Pass Report is a "do no harm" report because everything would stay exactly as it is right now.

Finally, I would say, you know, even the Legislature could do this if this were to pass and I think that would be a really destructive thing to ever allow to happen. I spoke after my good friend from Glenburn, Representative Guerin. She comes from a rural conservative part of the state. I come from an urban liberal part of the state. And I think if we were always doing our jobs here by participating remotely, me from Portland, her from Glenburn, it would be very easy for us to never get to know each other, to never find any time to talk to each other, to agree with each other on anything.

And I'm not going to lie. You know, even though we are here in person, 95 percent of the time, we probably still disagree with

each other and that's okay. But being here in person and working together in government allows us to find those opportunities to agree. And I think that's what our constituents expect and I think they expect it here in Augusta, I think they expect it at the local level so that when those decisions are being made, they can show up, they can testify, they can feel like they were heard. And even if their elected body doesn't go the way they want, at least they had that opportunity and I think that's what we need to preserve here. So, I ask you to oppose the pending motion. Thank you very much, Mr. Speaker.

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

Representative **HOBBS**: Thank you, Mr. Speaker and Women and Men of the House, as you can see from the previous speakers of this bill, this bill has both bipartisan opposition and I think that says something about our committee and the work and the makeup of the committee and the diligence that our committee had dealt with these particular issues. I have a special place for the Maine Right To Know Advisory Committee. I served as the first chair and the first member appointed to that body. I served there for five and a half years. It is a significant committee that makes recommendations and really governs the freedom of access and is the guardian of Maine's Right To Know for the Legislature and for the State of Maine.

This particular issue is not new. This has been around and been debated since the establishment of the Maine Right To Know Advisory Committee. As you can see from the two previous opponents, and also the very well put together presentation on behalf of the Minority Report, this bill can have, people can reasonably disagree with this report. Please understand that once size does not fit all. In this particular case, this is not a mandate. This is permissive. This allows the different bodies that are governed by the Maine Right To Know law, to make decisions with respect to remote participation. It is not something that will be a mandate. It will not affect, this is not affect the Maine Legislature, which is established by separate rules and provisions as per it being part of the third branch of government.

However, let me say that this bill will allow, once there is a procedure in place, the possibility for remote participation through telephonic video, electronic or other similar means of communication, but only if the body first adopts a written policy and governs the remote participation and that explicitly describes how the policy meets the principles of the Freedom of Access law. Again, if this body and the other body have looked throughout the years about ways of adjusting the Maine Right To Know law to the present times and circumstances, I believe this is a prudent step for a limited use of those issues of remote participation and I would ask you for your consideration.

It's a close call. It's a 7-6 report and, quite frankly, but for the time and the efforts, it could've flipped the other way. But I think that you should follow the light of the good Representative from Cape Elizabeth, Representative Monaghan, who serves as the vice chair of this committee, the Maine Right To Know Advisory Committee, which meets during the off session four to six times, writes a report, which we receive, and in this particular case, I think this bill would move us in the right direction of that delicate balance about the public's right to know and access to individuals to be able to serve on these boards and commissions. Thank you.

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, I think it's important to recognize that state law is now unclear on this. There are select

boards and school boards across the state that meet with members participating remotely now. By enacting this, by adopting the Minority Report, we'll kind of bring that process, shed some light on that process, require those groups to adopt a written policy which will be an opportunity for public input and for communities to say, "Well, yes, we're okay with that," or, "We're not okay with that." And I think that's a step forward and probably sheds more light on an ongoing practice. 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, I apologize for standing for a second time. But I did just want to mention that this body passed a bill this year that would allow four entities the right for remote participation. And this, in effect, does set the standard that we need to have permission to do that. So, it isn't that there is uncertainty, because the certainty was established when we allowed those four to have remote participation.

And I would again caution the body to think about the person in your district who isn't politically involved, who doesn't normally go to school board meetings or to zoning meetings. But there becomes an issue in their district or their town where there is a controversy and the person then takes the time to go to the meeting to address the problem that has arisen in the town. And in the interim, the town may have decided that there is no more requirement for the board members to attend the meetings and the regular rank and file Maine citizen will come to the meeting and find, to their shock and dismay, that members of the voting board are allowed to Skype in and not be there to face the public. So, again, I would 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 Minority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 582

YEA - Bates, Beavers, Blume, Brooks, Burstein, Campbell J, Chapman, Daughtry, Davitt, Dion, Dunphy M, Farnsworth, Fecteau, Gattine, Gideon, Golden, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hymanson, Kornfield, Kruger, Kumiega, Martin J, Martin R, McCabe, McCreight, McLean, Monaghan, Morrison, Peterson, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Stuckey, Tepler, Tucker, Warren, Welsh, Mr. Speaker.

NAY - Alley, Austin, Babbidge, Battle, Beck, Beebe-Center, Bickford, Black, Bryant, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Edgcomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Goode, Grant, Greenwood, Guerin, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hubbell, Jorgensen, Kinney J, Kinney M, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Mastraccio, McClellan, Melaragno, Moonen, Nadeau, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Buckland, Frey, Grohman, Hanington, McElwee.

Yes, 47; No, 99; Absent, 5; Excused, 0.

47 having voted in the affirmative and 99 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 703)
JOINT RESOLUTION DECLARING THE WEEK OF APRIL 10, 2016 AS MAINE PUBLIC SAFETY TELECOMMUNICATORS WEEK

WHEREAS, the week beginning April 10, 2016 is National Public Safety Telecommunicator Week; and

WHEREAS, over 500,000 dedicated men and women are engaged in the operation of emergency response systems for federal, state, county and local governmental entities throughout the United States; and

WHEREAS, these "unseen first responders" are responsible for responding to the telephone calls of the general public for police, fire and emergency medical assistance and for dispatching assistance to help save the lives and property of our citizens; and

WHEREAS, Americans place their trust in these individuals, not just this week, but every day of the year, and rely on their knowledge and professionalism as they make critical decisions, obtain information and quickly dispatch needed aid; and

WHEREAS, the calls for help include not only police, fire and emergency medical service calls but those governmental communications related to natural disasters, forestry and conservation operations, highway safety and maintenance activities and all other operations that modern governmental agencies must conduct; and

WHEREAS, Maine' public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services; 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 week of April 10, 2016 as Maine Public Safety Telecommunicators Week.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

COMMUNICATIONS

The Following Communication: (S.C. 971)

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

April 8, 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 1605, "An Act to Extend the Time for Commencing an Action Relating to Death Caused by Homicide."

Most bad legislation that crosses my desk gets there not out of any ill-intent, but simply because the Legislature lacks the will to make the tough decisions needed to solve problems. Unfortunately, that is not the case with this bill, which is nothing more than pandering to grieved families.

LD 1605 would extend the statute of limitations for wrongful death actions in circumstances where the decedent's death was caused by a homicide. The current statute of limitations for these types of tort suits is two years from the date of the decedent's death for all wrongful death actions. This bill would introduce the discovery rule and extend the statute of limitations to six years in these particular instances.

This bill muddles a simple and clear statute of limitations to no practical end. While this may sound like an eminently reasonable proposal, it provides nothing to the people who have lost loved ones. What damages will those bringing these suits really be able to recover? Does anyone truly believe that the murderers in Maine's prison system have incredible assets to cover these damages? Perhaps the murderers in Maine's prison system saw fit to procure insurance coverage for their homicidal acts?

This is a hollow bill making empty promises for political gain. For these reasons, I return LD 1605 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 To Extend the Time for Commencing an Action Relating to Death Caused by Homicide (S.P. 646) (L.D. 1605)

In Senate, April 11, 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?'

35 voted in favor and 0 against, and 35 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.

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

Representative **WARD**: Thank you, Mr. Speaker. Mr. Speaker, LD 1605, "An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide," is a bipartisan bill that was co-sponsored by several Republicans and Democrats alike. Currently, a grieving family has only two years from the date of murder of their loved one to file a civil suit against the person guilty of the crime. Well, there is a couple problems with this.

First, as is the case if the murder if a cold case, usually the arrest comes long after the crime is actually committed. And second, the evidence in the case cannot be used in a civil suit until the case is resolved, including appeals and those appeals can take even more time. This bill seeks to solve that by allowing grieving families six years from the date of discovery to bring such a civil suit.

Mr. Speaker, there are statutes and limitations much longer than the six years proposed in this legislation. For instance, the statute of limitations for child abuse or molestation case has no limit. When this bill was heard, a dozen of the cold case families who attended hearings on that bill, attended these as well and even though the bill would likely not help them, they passionately

spoke in support. In fact a number of them are in the gallery here with us today.

The Judiciary Committee unanimously voted the bill immediately into work session, where it prevailed with a unanimous committee vote and the other body's Roll Call #551 last week, the other body passed this bill to be enacted in concurrence with a unanimous 34-0 vote. In fact, it is here before us today having just passed moments ago in the other body 35-0. Mr. Speaker, this is a good bill and I urge my colleagues to make it a good law and override the Chief Executives veto and I would ask for a roll call. Thank you, Mr. Speaker.

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. 583V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Goode, Grant, Greenwood, Guerin, Hamann, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, 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, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Ginzler.

ABSENT - Buckland, Frey, Grohman, Hanington, Hanley, McElwee.

Yes, 144; No, 1; Absent, 6; Excused, 0.

144 having voted in the affirmative and 1 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

The House recessed until 1:00 p.m.

(After Recess)

The House was called to order by the Speaker.

CONSENT CALENDAR

First Day

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

(H.P. 734) (L.D. 1065) Bill "An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-657)**

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

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

(H.P. 759) (L.D. 1099) Bill "An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-659)**

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

The Unanimous Committee Report was **READ**.

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

(H.P. 853) (L.D. 1253) Bill "An Act To Improve the Evaluation of Public Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "B" (H-658)**

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

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

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

The **SPEAKER**: The Representative may pose her question.

Representative **ESPLING**: I'm just wondering if someone could just give us a little bit of information on this bill and perhaps if there's a fiscal note attached to it. Thank you.

The **SPEAKER**: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bar Harbor, Representative Hubbell.

Representative **HUBBELL**: Thank you, Mr. Speaker, I rise to answer the question. This bill just improves the current school accountability system the state has. Currently, we have the Chief Executive's grading system. This just improves that to include broader measures. We worked the bill to align with the components of the new federal law. It allows us to use a broader six year graduation rate, so schools get credit for eventually graduating students, even if it takes a little longer time. And it will establish a measure by which schools can become eligible for grant funding for improvement and support. It was a unanimous report out of our committee.

Representative McCABE of Skowhegan **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

ROLL CALL NO. 584

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

NAY - NONE.

ABSENT - Bates, Buckland, Grohman, Hanington, Kinney M, McElwee.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-658)** 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" (H-658)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-661)** on Bill "An Act Regarding the Maine Clean Election Fund" (EMERGENCY)

(H.P. 1071) (L.D. 1579)

Signed:

Senators:

HAMPER of Oxford

KATZ of Kennebec

VALENTINO of York

Representatives:

ROTUNDO of Lewiston
 FREY of Bangor
 GRANT of Gardiner
 JORGENSEN of Portland
 MARTIN of Eagle Lake
 SANBORN of Gorham

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

Signed:

Representatives:

NUTTING of Oakland
 SIROCKI of Scarborough
 TIMBERLAKE of Turner
 WINSOR of Norway

READ.

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

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

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, I want to point out that this has been amended. This bill has been amended to \$500,000 for the Clean Elections Fund. This is the minimum amount that we were told would be necessary in order to cover expenses for the upcoming election. I also want to point out that this involves no new spending. It simply moves up the date of the transfer of the funds to August 1st. So, this is the minimum amount that's needed for the fund to get through the next general election and there is no new spending in this bill. Thank you.

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

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

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

Representative **SIROCKI**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill does advance money from the 2017 calendar year early. But I want people to understand that Director Wayne indicated that the high water mark was \$4.6 million for this coming campaign. That is what is expected to be in the account by July. So, this would be an additional \$500,000.

Last year, there were about \$1.1 million in leftover funds. The 2016 obligation of \$3 million has completely been met, which means there is \$4.1 million in the account as it stands. We had previously already approved a transfer of \$500,000 in advance from the 2017 money, which is due to be deposited by July 15th, at which time, as I said, there will be \$4.6 million in the account which Director Wayne indicated was the high water mark. And when asked if the State of Maine had ever hit that high mark, and he said no. I am sufficiently satisfied that the \$4.6 million that he's indicated is sufficient and that this bill is not necessary at this time. So I urge you to vote in opposition. Thank you.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, although it is true that this does not include new spending, what it does do, is it takes in \$500,000 increments, it takes \$1 million from the

2017-2018 election cycle and for those that are not aware, with Question 1 passing this last year, gubernatorial elections are now included. So, government funded gubernatorial candidates will have access up to \$3 million apiece to run their campaigns. We're going to short that account by \$1 million by passing this today. I would recommend that we vote this down and save that money for when it was actually supposed to be used. Thank you, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, first of all, I want to thank the Appropriations Committee for their bipartisan work on this issue, making sure that the Clean Elections Fund has the appropriate funding for the upcoming election. I believe the good Representative from Scarborough, Representative Sirocki, talked a little bit about a surplus that existed in the Clean Elections Fund, which seems to make sense based on it being an off year and a non-election year. Clean elections has changed. The people of Maine have spoken. Question 1 passed. Here we are today. We're looking at a funding piece around clean elections and it seems to make sense. It would seem to make sense when we vote today that our vote would reflect the clean elections system that many of us in this chamber are using.

We looked quickly today and saw that 30 Republican incumbents are using clean elections. Sounds like a good number. There's also a number of new candidates using the clean elections system. On the Democratic side, it looks like about 48 incumbents are using the clean elections system. So, I think today, we have an opportunity. We have an opportunity to vote to support the clean elections system and I'm hoping when we take this vote today, that the vote actually reflects those people who are using the clean elections system, who feel that it's appropriate for their campaign, it's appropriate for the citizens of Maine, and that they'll actually stand by their vote and support the system that they use. Thank you, Mr. Speaker.

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

ROLL CALL NO. 585

YEA - Alley, Babbidge, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiaga, 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, Sukeforth, Tepler, Timmons, 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, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Grohman, Hanington, Kinney M, McElwee.

Yes, 81; No, 65; Absent, 5; Excused, 0.
81 having voted in the affirmative and 65 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-661)** 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-661)** and sent for concurrence.

ENACTORS
Acts

An Act To Increase Competition and Ensure a Robust Information and Telecommunications Market

(H.P. 305) (L.D. 466)
(C. "A" H-655)

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

Resolves

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

(H.P. 605) (L.D. 886)
(C. "A" H-645)

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Amend and Clarify the Laws Governing the Brunswick Naval Air Station Job Increment Financing Fund"

(S.P. 698) (L.D. 1692)

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford
WARD of Dedham

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

Signed:

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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

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

ROLL CALL NO. 586

YEA - Alley, 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, Goode, Grant, Hamann, Harlow, Herbig, Hickman, Hobart, 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, Picchiotti, Pierce J, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Ward, 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, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Kinney J, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, Nutting, O'Connor, Ordway, Parry, Pickett, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Bates, Grohman, Hanington, Kinney M, McElwee.

Yes, 83; No, 63; Absent, 5; Excused, 0.

83 having voted in the affirmative and 63 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

CONSENT CALENDAR

First Day

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

(S.P. 660) (L.D. 1627) Bill "An Act To Implement Certain Recommendations of the Maine Proficiency Education Council" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-504)**

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

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

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

The **SPEAKER**: The Representative may pose her question.

Representative **ESPLING**: I just would like to have a little bit of information about the bill and if there's a fiscal note. Thank you.

The **SPEAKER**: The Representative from New Gloucester, Representative Espling, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: This was our diploma bill and, as anyone who's been a teacher or a parent knows, being firm and being fair is a very hard line to walk. And that's what we tried to do. We did more work on this bill than any other bill to have a unanimous vote on it and we really wanted to make sure that we were tough, but kids could achieve a diploma. So, we phased in the eight proficiency areas over time and also allowed kids, for instance the first class to graduate with a proficiency diploma is English, Social Studies, and another proficiency area of their choice. We did this way so that all schools have to have eight proficiencies available to kids. So, we were very pleased with our end of the bill. Our folder was about this big, but we were very pleased with the outcome of it.

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

ROLL CALL NO. 587

YEA - Alley, Babbidge, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgecomb, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Guerin, Hamann, Harlow, Harrington, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Sherman, Short, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Tipping-

Spitz, Tucker, Tuell, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Buckland, Dillingham, Dunphy L, Espling, Farrin, Fredette, Gerrish, Hanley, Head, Lockman, Long, O'Connor, Sanderson, Sawicki, Sirocki, Skolfield, Theriault, Timmons, Turner, Vachon, Wallace.

ABSENT - Bates, Grohman, Hanington, Kinney M, McElwee.

Yes, 124; No, 22; Absent, 5; Excused, 0.

124 having voted in the affirmative and 22 voted in the negative, with 5 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-504)** 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-504)** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Clarify the Appointment Process"

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

Report "B" (6) **OUGHT TO PASS AS AMENDED** 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-474)** in the House on April 8, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-475)** in **NON-CONCURRENCE**.

Speaker EVES of North Berwick moved that the House **INSIST**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative McCABE of Skowhegan **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 Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker, I rise in support if the pending motion to Recede and Concur. In looking at LD 1681, it is a real, simple change. The other body has taken the compromise position that whenever there be an appointment process by the Chief Executive, whether it be under a 30A appointment or boards and commissions, that a list be presented. And a list would be defined as "two or more."

During the committee hearing, the good Representative from Friendship, Representative Evangelos, was the one that had suggested the compromise package of two and that is what it is before us today coming back from the other body, is the compromise package for a list of two or more. So I would ask for

your indulgence and please follow my light in Receding and Concurring. 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. 588

YEA - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Devin, Dillingham, Dunphy L, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanley, Harrington, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Kinney J, Lajoie, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, 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, Wadsworth, Wallace, Ward, White, Wood.

NAY - Alley, Babbidge, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy M, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, 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, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Winsor, Mr. Speaker.

ABSENT - Bates, Grohman, Hanington, Kinney M, McElwee.

Yes, 72; No, 74; Absent, 5; Excused, 0.

72 having voted in the affirmative and 74 voted in the negative, with 5 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Non-Concurrent Matter

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

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on April 8, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-469) AND SENATE AMENDMENT "A" (S-478)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act Relating to Penalties for Drug Offenses"

(S.P. 672) (L.D. 1647)

Report "A" (7) **OUGHT NOT TO PASS** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on April 8, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "B" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**

COMMITTEE AMENDMENT "A" (S-425) in NON-CONCURRENCE.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Improve Workplace Safety by Simplifying and Improving Employers' Substance Abuse Policy Requirements"

(H.P. 937) (L.D. 1384)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)** in the House on April 1, 2016.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-625)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

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)

READ and **PASSED** in the House on March 31, 2016.

Came from the Senate **READ** and **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

CONSENT CALENDAR

First Day

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

(H.P. 1158) (L.D. 1693) Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of the Maine Biomass Industry Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-662)**

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

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

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

The SPEAKER: The Representative may pose his question.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, if I just could have some clarification on what the bill is and proposes to do and whether or not there's a fiscal note.

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

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, I rise to answer this question from the Representative from Newport. As we all know, the biomass industry is in crisis in the moment. This has reverberations throughout the forest products industry. We, in the short term, are still struggling to find a solution that is amenable to everyone. But one thing we

know for sure is that we need to come up with a new long-term plan. So, this is what this Resolve aims to do. It begins the process of having a commission study the future for biomass. It pulls together lawmakers, professionals from the forest products industry, as well as people from the University of Maine to come up with some solutions that make this keep our jobs in Maine.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

**ENACTORS
Acts**

An Act To Create a Sustainable Solution to the Handling, Management and Disposal of Solid Waste in the State

(H.P. 207) (L.D. 313)
(H. "A" H-640 to C. "A" H-616)

An Act To Establish Peer Center Reimbursement

(H.P. 576) (L.D. 842)
(C. "A" H-649)

An Act To Amend the Child Protective Services Laws

(H.P. 842) (L.D. 1224)
(C. "A" H-629)

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.

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund

(H.P. 1106) (L.D. 1629)
(C. "A" H-648)

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

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

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

COMMUNICATIONS

The Following Communication: (S.C. 970)

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

April 8, 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 1573, "An Act To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers."

The only bill concerning the Certificate of Need (CON) laws that would avoid my veto pen is the bill to repeal them all. This bill presents an excellent opportunity to explain why.

LD 1573 would exempt from the CON process any transfer of ownership, acquisition or control involving hospitals or health care facilities that share a parent corporation or by and between a health care entity and its parent corporation. This provides a distinct competitive advantage to large health systems; as such transfers between small, often rural hospitals or health care facilities that are unaffiliated would remain subject to Maine's oppressive and unnecessary CON process.

Some of the greatest threats to our economy come from regulatory manipulation and political influence wielded by large corporations against smaller ones. This bill is a good example of this type of Washington-style, crony capitalism in Augusta. For these reasons, I return LD 1573 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 To Improve Hospital Governance by Clarifying the Requirement for a Certificate of Need for Intracorporation Transfers

(S.P. 624) (L.D. 1573)
(C. "A" S-410)

In Senate, April 11, 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 3 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. 589V

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

NAY - Buckland, Crafts, Dillingham, Farrin, Fredette, Hanley, Head, Kinney J, Long, Martin J, Ordway, Prescott, Reed, Skolfield, Stetkis, Theriault, Timberlake, Turner, Wallace, Winsor.

ABSENT - Bates, Grohman, Hanington, Kinney M, McElwee.

Yes, 126; No, 20; Absent, 5; Excused, 0.

126 having voted in the affirmative and 20 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative HANINGTON of Lincoln, the House adjourned at 2:17 p.m., until 9:30 a.m., Tuesday, April 12, 2016, in honor and lasting tribute to Maureen Moors Wotton, of Lincoln and Winnie L. Clemons, of Lincoln.