

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Seventh Legislature
State of Maine

Daily Edition

Second Regular Session

beginning January 6, 2016

beginning at page H-1188

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
40th Legislative Day
Thursday, April 14, 2016

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

Prayer by Honorable Russell J. Black, Wilton.

National Anthem by Mountain Valley High School Chorus, Rumford.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Leonard and Rosemary Wallace, of Steuben, who rescued a mother and two young children whose car went off Route 182 and crashed into Fox Pond in a remote part of Hancock County. Mr. and Mrs. Wallace were fishing on the pond below the road when they heard a terrific noise. A vehicle flew over Mr. Wallace, landing nose-down and upside down in the water. He immediately waded into the cold water and got to the vehicle. Seeing a small child floating in the back of the vehicle, he forced open a back door and pulled the child out. He gave the child to Mrs. Wallace and returned to help the mother, who had freed the second child from a car seat. He took the child and grabbed the mother and hauled them to safety. We extend to Mr. and Mrs. Wallace our appreciation for their life-saving actions and offer them our best wishes;

(HLS 1274)

Presented by Representative MALABY of Hancock.

Cosponsored by Senator BURNS of Washington.

On **OBJECTION** of Representative MALABY of Hancock, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Mr. Speaker, I have known Leonard Wallace for close to 30 years. I know him as the "Berry Man." I buy from him: raspberries, strawberries, blueberries, blackberries. Leonard also rinkles, clams, worms; although I don't put worms on the menu.

Leonard would tell you that he is not a hero, and it is maybe true in many ways. He is a downeaster with downeast values, values that are forged on the anvil of a life of hard work, commonsense, and simple pleasures. Chief among them: the value of doing the right thing. Leonard, we welcome you.

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

Recognizing:

Derek Pierce, of Portland, Principal at Casco Bay High School, who was named Maine's Principal of the Year by the Maine Principals' Association. Under his direction, Casco Bay High School, which was founded in 2005, has become a national model for expeditionary learning, a model promoted by Outward Bound that emphasizes real-world learning experiences and includes an interdisciplinary, project-based curriculum. Formerly the principal at Poland Regional High School and at Whittier

Middle School in California, in 2014 Mr. Pierce won a \$100,000 leadership award from the Nellie Mae Foundation, which he used to fund scholarships and projects at Casco Bay High School. We extend to Mr. Pierce our congratulations and best wishes;

(SLS 1158)

On **OBJECTION** of Representative FARNSWORTH of Portland, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **FARNSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, unfortunately, Mr. Pierce could not be here today. He was here yesterday, and because we don't exactly have coordinated schedules, he was in the other body, but we were not in session at the time. However, I would like to point out that we're very proud that he was made Principal of the Year, and likewise, very proud of the fact that Casco Bay High School has become a model for what we call "expeditionary learning," "experiential learning," and "proficiency based learning."

It has become something where people from all across the country are coming to, basically, take a look at the way in which this system works and how it meets the needs of certain groups of individuals. Education is so challenging because everybody learns a little differently and this particular school represents a different kind of a model that helps these kids grow and prosper. I've seen some of the incredible stuff that these young people do and I just lay it very much at the feet of Mr. Pierce and the excellent work that he's done in Portland. Thank you very much.

Subsequently, the Sentiment was **PASSED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 530)

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

April 14, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

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

Appropriations and Financial Affairs

- L.D. 2 An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility (BOND ISSUE)
- L.D. 68 An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure (BOND ISSUE)
- L.D. 100 An Act To Authorize a General Fund Bond Issue To Help Small Businesses (BOND ISSUE)
- L.D. 108 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development (BOND ISSUE)
- L.D. 217 An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility (BOND ISSUE)

- L.D. 354 An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area (BOND ISSUE)
- L.D. 385 An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses (BOND ISSUE)
- L.D. 386 An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration (BOND ISSUE)
- L.D. 387 An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools (BOND ISSUE)
- L.D. 426 An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise (BOND ISSUE)
- L.D. 438 An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service (BOND ISSUE)
- L.D. 628 An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure (BOND ISSUE)
- L.D. 733 An Act To Authorize a General Fund Bond Issue To Build the Infrastructure Needed To End Hunger in Central and Northern Maine (BOND ISSUE)
- L.D. 747 An Act To Authorize a General Fund Bond Issue To Assist in the Creation and Retention of Jobs and Improve Access to Higher Education in Maine (BOND ISSUE)
- L.D. 873 An Act To Authorize a General Fund Bond Issue for Housing for Homeless Veterans (BOND ISSUE)
- L.D. 875 An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities (BOND ISSUE)
- L.D. 924 An Act To Authorize a General Fund Bond Issue To Enhance State Parks (BOND ISSUE)
- L.D. 931 An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System (BOND ISSUE)
- L.D. 1099 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
- L.D. 1234 An Act To Authorize a General Fund Bond Issue To Acquire the Frances Perkins Homestead (BOND ISSUE)
- L.D. 1334 An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy (BOND ISSUE)
- L.D. 1336 An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges (BOND ISSUE)
- L.D. 1341 An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption (BOND ISSUE)

- L.D. 1630 An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery (BOND ISSUE)
- L.D. 1656 An Act To Authorize a General Fund Bond Issue To Fund Loan Repayment Programs for Graduates in the Fields of Science, Technology, Engineering and Mathematics (BOND ISSUE)

Sincerely,
S/Robert B. Hunt
Clerk of House

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

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

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

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

UNFINISHED BUSINESS

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

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-582)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing an Interagency Council To Coordinate Services for Homeless Veterans"

(H.P. 1099) (L.D. 1611)

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

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

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

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, this is a bill that was taken care of in another vehicle and for that reason, I move we Indefinitely Postpone LD 1611 and all its accompanying papers.

Subsequently, on motion of Representative McCABE of Skowhegan, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

ORDERS

On motion of Representative VEROW of Brewer, the following Joint Resolution: (H.P. 1165) (Cosponsored by Senator GRATWICK of Penobscot and Representatives: DEVIN of Newcastle, HOGAN of Old Orchard Beach, MORRISON of South Portland, SEAVEY of Kennebunkport, SHORT of Pittsfield, STANLEY of Medway)

JOINT RESOLUTION RECOGNIZING APRIL 14, 2016 AS MULTIPLE SCLEROSIS AWARENESS DAY IN MAINE

WHEREAS, multiple sclerosis is a chronic, often disabling disease of the central nervous system, for which there is no cure at present, that typically is diagnosed in people between 20 and

50 years of age and that affects women 3 times more often than it does men; and

WHEREAS, multiple sclerosis distorts and interrupts the signals between the brain and the body; and

WHEREAS, according to recent statistics multiple sclerosis affects 400,000 people nationwide, including 8,000 to 10,000 children and teens, and over 3,000 people in Maine have the disease, nearly one in 400 citizens, which is one of the highest per capita rates in the nation; and

WHEREAS, the National Multiple Sclerosis Society is a driving force for multiple sclerosis research, pursuing prevention, treatment and cure, and the Greater New England Chapter of the National Multiple Sclerosis Society educates, supports and advocates for people with multiple sclerosis and their families to help them maintain the highest possible quality of life; and

WHEREAS, the Greater New England Chapter of the National Multiple Sclerosis Society encourages people with multiple sclerosis and their families, health professionals and other concerned citizens to join the movement to advocate for policy change in the priority areas of high-quality health care, health care coverage, long-term care and disability rights; 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 declare that April 14, 2016 is designated as Multiple Sclerosis Awareness Day in Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Greater New England Chapter of the National Multiple Sclerosis Society.

READ.

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

Representative **VEROW**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I am pleased to offer this Joint Resolution to bring awareness to this chronic disease that many in our community are living with on a daily basis.

Over 3,000 of our Maine family members and fellow citizens struggle to cope with daily fatigue and mobility problems brought on by MS. The affliction causes pain, muscle aches, muscle spasms, visual problems and other difficulties. This large segment of our community needs our awareness and support. People with MS are smart, capable individuals and those who can and do, work in our towns and cities, our schools, offices, hospitals, businesses and factories are among the most conscientious, honest and hard-working employees.

Mr. Speaker, over the past 30 years, progress has been made in treating people with MS. New drugs have been developed to slow down its progression. There is hope that someday, in the near future, a cure will be found. Medical research to reach that goal will require financial support from the public.

The MS walk programs have been held annual across the country since 1988. To date they have raised more than \$920 million to drive groundbreaking research, provide life-changing programs and guarantee a supportive community for those who need it most. When you participate in an MS walk, you help ensure no one ever has to be diagnosed with this disease again.

Mr. Speaker, I call your attention to the fact that MS walks will be held this month of April in Augusta, Brunswick, Brewer, Portland, Kennebunkport, and Lewiston. And in the fall in Caribou and York. And I hope Men and Women of the House will join me in supporting these important fundraising walks and encourage citizens in their communities to do likewise.

Today, in the Hall of Flags, are members of the MS community who have travelled far and wide to be here today to accept your greetings and to speak to you about their hopes and dreams for a cure to this disabling disease. And, Mr. Speaker, the MS group also is here to thank Members of this body for supporting LD 365 yesterday, a bill to provide income tax credits for home accessibility modification. This bill is important to help disabled and elderly people stay in their homes. 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 rise in support of the Joint Resolution before us and to thank the good Representative from Brewer, Representative Verow, for, as his name badge says today, he is an ambassador for MS and talking about MS and talking about the MS Society. And I also rise today as someone who has a loved one who suffers from MS and who recognizes that quality healthcare and access is the key to the management of this disease. So, thank you, Mr. Speaker.

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

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in support of this motion, having cared for many people with Multiple Sclerosis over the course of my career and taking care of the patients and their families. I mention their families because this is a family disorder, in that many people have disabilities that create times when the family is called on to support their function.

I also want to talk briefly about the challenges in today's treatment of Multiple Sclerosis. So, despite many new medications, which are valuable, there have been increased medical costs, due to the pharmaceutical pricing that has increased cost to astronomical prices for absolutely no good reason. And there are decreased services for long-term challenges due to Multiple Sclerosis, due to insurance carve outs for this group of people. They deserve better.

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

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 1166) (Cosponsored by Senator MILLETT of Cumberland and Representatives: BEEBE-CENTER of Rockland, BROOKS of Lewiston, CHAPMAN of Brooksville, CHENETTE of Saco, DILLINGHAM of Oxford, EVANGELOS of Friendship, FOLEY of Wells, FOWLE of Vassalboro, GATTINE of Westbrook, GERRISH of Lebanon, GROHMAN of Biddeford, HICKMAN of Winthrop, KINNEY of Limington, KINNEY of Knox, KORNFIELD of Bangor, KUMIEGA of Deer Isle, LONGSTAFF of Waterville, MARTIN of Eagle Lake, MARTIN of Sinclair, MASTRACCIO of Sanford, McCREIGHT of Harpswell, MONAGHAN of Cape Elizabeth, ORDWAY of Standish, PIERCE of Falmouth, ROTUNDO of Lewiston, SANBORN of Gorham, SAUCIER of Presque Isle, SCHNECK of Bangor, TEPLER of Topsham, Senators: BAKER of Sagadahoc, BURNS of Washington, CUSHING of Penobscot, JOHNSON of Lincoln, ROSEN of Hancock, VOLK of Cumberland)

**JOINT RESOLUTION RECOGNIZING THE MONTH OF
APRIL 2016 AS AUTISM AWARENESS MONTH**

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that

affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, in the United States, one in 68 children is diagnosed with this spectrum disorder and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle nor education affects its occurrence and it is estimated that more than 3,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States over \$236,000,000,000 in annual health care costs, most of which are in adult services, and these costs are anticipated to increase; and

WHEREAS, while a single specific cause of autism is not known, current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; 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, pause in our deliberations to acknowledge that the month of April 2016 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

READ.

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

Representative **FARNSWORTH**: Thank you very much once again, and Ladies and Gentlemen of the House, we've already been through this once and so I think I can make this short. All I wanted to say was thank you very much for those who were patient enough to go in and sign the new Joint Resolution. It is greatly appreciated and, however, the other part of this is it gives me the opportunity to, once again, remind you that people with autism are people that have some tremendous possibilities and we need to open up our world to allow them to become a part of it. Thank you very much.

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

ENACTORS

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

(H.P. 1118) (L.D. 1643)
(C. "A" H-672)

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

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

Representative **HOBBINS**: Thank you, Mr. Speaker, and Women and Men of the House, the good news is that I am rising today on the errors bill, LD 1643, because it means, Mr. Speaker, that the end is near for this legislative session. First of all, I'd like to thank the members of the Judiciary Committee for their tedious efforts and diligent efforts in going through this bill. It is significant in length and significant in issues and it takes hours

and hours of time. In fact, I think we worked on this bill a total of eight times this particular session and it was at the end of the session that we got the bill.

The process of the Judiciary Committee that we followed in reviewing the errors bill and considering additional changes as amendments has been the same for several years. One of the purposes of the process is for the Judiciary Committee to understand each provision and why it has been proposed for inclusion in the errors bill and whether it is a technical change or a substantive change. We believe that the committee has to be fully aware and comfortable in what is in the bill and the Committee Amendment and the only way to do that is to look at each section and its historical significance individually.

We offered to utilize a subcommittee to examine each section, then review the subcommittee's recommendation as a full committee. Must report that this committee was even more diligent than that. Most committee members, essentially, made up the subcommittee in reviewing this particular errors bill. Now, the committee's definition of technical is that the change doesn't result in a different interpretation of the law. The change doesn't affect how a court would apply the law. That's the definition that our committee uses. Technical changes are often spelling, grammar, and clerical corrections and usually cross-references, updates, are considered to be technical in nature. Many technical corrections are simply dealing with conflicts created by two different bills amending the same section in different ways, but in ways that can be read together.

Substantive changes do change the effect of the law. We are comfortable including substantive changes when it is clear that the change is consistent with the legislative intent underlying the law. Mr. Speaker, we usually ask the committee of jurisdiction to review the proposal and send us a brief memo memorializing the report and support for inclusion in the errors bill. When we do support the inclusion of substantive changes in the errors bill, we include them in a part of the Committee Amendment and we state in the summary that the changes of that part of the amendment are, or could be considered, substantive. That is how we let everyone know that we understand the effect of the corrections and are not trying to hide anything or sneak anything through the legislative process. And I must concede, decades ago, that wasn't the case.

We have documentation for every section in the errors bill and the committee amendment and we are happy to share any of this information with you if you would like to review it. Thank you very much and I appreciate your consideration and understanding about this bill.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes

(H.P. 1154) (L.D. 1689)
(C. "A" H-671)

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

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

Representative **MAKER**: Mr. Speaker, Ladies and Gentlemen of the House, I should say I'm sorry of all the phone calls you're getting from childcare centers, but I'm not going to say that because I will do anything to protect our children. I started on this adventure—which I have my email right here—on February 9th asking, I met with some childcare workers in my hometown. They told me about several areas that they were concerned with and I wrote a letter regarding them.

One was about the fingerprinting. I was amazed that we fingerprint all personnel in our school system but our prized possession that we leave during the day as young as a baby is not protected by fingerprinting. I know there's some concerns and I really want to work those concerns out. There will be, on this bill, they will have rulemaking and they will take in everybody's concern. But some of them I just want to mention to you that I've heard about, that I'm sure you heard about.

Some say that this doesn't really happen in Maine, it doesn't really happen in childcare centers. However, a worker for DHHS gave testimony and in his testimony, he stated that, "In Maine from 2012 to 2014, 93 cases of abuse of children in out-of-home settings were substantiated against 52 abusers." Now, I know there's a lot more than that that they didn't find. I'm very concerned about this. I'm very concerned about our children being abused and we need to somehow protect them.

The other thing that I heard was people were concerned about that it would take too long to get the fingerprinting and they need to have the employee come in right away. That was checked out with the Center for Law and Social Policy and the remarks to them was, the check does not have to prevent employment. The proposed rule would allow staff to work under supervision until the check has been cleared. The proposed rule about the timeframe could read: "We have heard from lead agencies that are concerned about not being able to meet the 45 day timeframe. Lead agency must work together with the state, entitles to minimum delay. After the FBI receives electronic copies of fingerprints, they typically turn around background checks results with 24 hours. There can be delays when the submitted fingerprint image quality is poor." Again, this will be discussed in rulemaking.

I just want to end, because I think you all know where I'm coming from regarding this area, a quote by Doctor Lori Post, "While background checks are a useful tool in the identification of criminals, most persons who work in long-term care, daycares, school system, adoption agencies, are not criminals. The quandary for employers and government, however, is identifying predators seeking to escape detection." Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose her question.

Representative **O'CONNOR**: Could you please tell me who will pay for this and also, or if it will be the business or if there's a fund for this and is it a mandate? Thank you.

The SPEAKER: The Representative from Berwick, Representative O'Connor, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Mr. Speaker, that will be discussed in the rulemaking process. We have police and sheriff's department that have volunteered to do this. It was also mentioned during the time that there could be a memo of understanding with those departments to provide it. But again, all of this will be discussed. If they find that this can't be done or it's impossible or it's expensive, then there will be an opportunity in January for that to take place. Right now, it's just trying to get the process going. Thank you, Mr. Speaker.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 24 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity

(S.P. 705) (L.D. 1699)
(H. "A" H-670; H. "B" H-673)

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

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

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, as we all know this is a bill that we voted on last night in regards to an amendment put on by the good Representative from Bangor, Representative Goode. There was, at the time, I think, a little bit of confusion going on and so I wanted to give the opportunity for our folks to have, again, that clear understanding of this bill and its one-year funding being provided for under this, and therefore request a roll call, Mr. Speaker.

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

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

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

ROLL CALL NO. 630

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Golden, Grant, Greenwood, Grohman, Hamann, Hanington, Harlow, Harrington, Hawke, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McCiellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Tepler, Timmons,

Tipping-Spitz, Tucker, Turner, Vachon, Verow, Ward, Warren, Welsh, Winsor, Wood, Mr. Speaker.

NAY - Corey, Crafts, Dillingham, Ginzler, Guerin, Hanley, Head, Herrick, Kinney J, Long, Lyford, Ordway, Reed, Sanderson, Sawicki, Seavey, Sirocki, Sukeforth, Theriault, Timberlake, Tuell, White.

ABSENT - Dion, Goode, McLean, Morrison, Russell, Wadsworth, Wallace.

Yes, 122; No, 22; Absent, 7; Excused, 0.

122 having voted in the affirmative and 22 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel and Other Law Enforcement Personnel (S.P. 585) (L.D. 1523) (H. "A" H-663 to C. "A" S-383)

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

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

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

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 Final Passage. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 631

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, 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, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Crafts.

ABSENT - Dion, Goode, McLean, Russell, Wadsworth, Wallace.

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 Resolve was **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 **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-674)** on Bill "An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing"

(H.P. 646) (L.D. 927)

Signed:

Senator:

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:

Senators:

HAMPER of Oxford
KATZ of Kennebec

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**.

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

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

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

Representative **MARTIN**: Thank you, Mr. Speaker, Members of the House, just in case people have forgotten what this bill's about, this is a bill that would protect the workers if there were to be a closing of the corrections institution in Washington County.

The **SPEAKER**: The Chair recognizes the Representative from Beals, Representative Alley.

Representative **ALLEY**: Thank you, Mr. Speaker, Men and Women and Members of the House, I sponsored this bill to help out the long-term employees at Downeast Correctional Facility in Machiasport. Periodically, the state has proposed closing the Downeast Correctional Facility. Even though it has not yet come to pass, it is not currently under consideration for closure, the repeated suggestions are an additional source of stress for the people that work there.

The state is usually very good about offering employees the opportunity to work elsewhere in the system. The problem is that

there are no comparable facilities within 100-plus miles. For a young employee, this could work, but there are a number of employees there who have worked there for many years—25 or more—yet have not attained the state minimum age of retirement. They have set down strong roots in their communities, and moving over a hundred miles for a job is a difficult undertaking for them and their families. This bill would allow them to retire without having to pay a substantial penalty of six percent for every year, up to 62 years old.

This is a very small number of people that we are talking about, and there is no cost to this bill should the facility stay open. If there is a decision to close it at some point in the future, then at that time the Corrections Department would have to calculate any additional costs from this bill as part of the cost of closing the facility. We owe these loyal, long-term employees who have given the best years of their working lives in the service to the state, we owe them at least this much. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker, I rise in support of the pending motion and join my friend from Beals in bringing this forward. I know there's been a lot of concern over the future of Downeast Correctional Facility. What that future is, is being worked out by the Department of Corrections. This, I believe, is part of that future. I believe this will go a long way to soothing concerns of long-time employees at Downeast Correctional Facility, and corrections workers in Washington County.

For those who aren't familiar with Washington County, the prison is a major employer in the Machias region. The folks who work there are long-term employees. They've been there for 20-plus years, so you can understand the things that every time rumors of a closure come up, every time a plan to close the facility comes up, people are on edge, and justifiably so. I believe this bill will help allay those fears. Thank you, Mr. Speaker.

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

Representative **SIROCKI**: Thank you, Mr. Speaker. And thank you, Ladies and Gentlemen of the House, I rise in opposition to this bill and I just want to express that I understand the concern with the correctional facilities and the closures and so forth, but this is something that would be setting a precedent that would be very difficult. The original bill included all facilities that might be closing and it was narrowed down to correctional facilities, but even with that, I'm very uncomfortable with this and I urge a "no" vote on this. Thank you.

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

ROLL CALL NO. 632

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Hanington, Harlow, Herbig, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Rotundo, Rykerson, Sanborn, Saucier, Schneck, Short, Skolfield,

Stanley, Stearns, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Warren, Welsh, Mr. Speaker.

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

ABSENT - Goode, McLean, Russell, Wallace, Winsor.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 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-674) 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-674)** and sent for 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 Encourage Health Insurance Consumers To Comparison Shop for Health Care Procedures and Treatment"

(S.P. 470) (L.D. 1305)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406)** in the House on April 13, 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 **INSURANCE AND FINANCIAL SERVICES** was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-407)** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Modernize Maine's Solar Power Policy and Encourage Economic Development"

(H.P. 1120) (L.D. 1649)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666) in the House on April 13, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666) AS AMENDED BY SENATE AMENDMENT "A" (S-522)** thereto in **NON-CONCURRENCE.**

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

Representative GIDEON of Freeport **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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as you maybe or may not know, this is a bill that we took a vote on yesterday, which was substantially, amended in the other body. And as you may or may not recall, my comments in regards to this bill yesterday was that by and large, I believe that this was a Robinhood bill, where we were stealing from the poor and giving to the rich. And you may recall my comments in regards to basically, the more small, rural, poorer towns, which you might generally suggest, were essentially paying for and subsidizing the implementation and the installation of solar in what might be, if you looked at raw numbers, communities with higher incomes, such as Freeport, Brunswick, and whatnot.

This amendment doesn't do anything to alter that. And if you also recall, you know, this is a bill that puts ratepayers on the hook, ratepayers on the hook for bringing, you know, solar in at a higher price. And I think there's going to be a suggestion, there's price caps built into this new amendment, and it's not price caps, it's a price cap formula and whatnot. So, don't be persuaded that there's price caps built into this new amendment. It just isn't reality. So, I would suggest to you that, again, solar is something that has a future in Maine. If you let the marketplace work, it will continue to work, as the price of solar comes down, there'll be more of it in Maine and we will be able to see the benefits of that.

Now, it's interesting to be on this side of the aisle and looking at this from a, what I would suggest, an income perspective. Who pays? Who benefits? Who uses? And it's tough to get raw data out there in regards to this. But there is actually some data out there. And I'm going to be passing out a couple of pages that will be coming to your desk and it's from the Congressional Research Service. And this is a report done in January 21, 2016, and it is a, again, a Congressional Research Service, and it's entitled "Residential Energy Tax Credits: Overview and Analysis." So again, this is a nonpartisan report from the Congressional Research Service and you'll be getting a couple of pages from that, and I'm sure some of you may take an opportunity to look up the full analysis.

But, what I want to indicate to you is, and while this doesn't specifically spike out solar, what it does talk about is who takes advantage of residential energy tax credits. And it's interesting because as I look through the data, it reminds me of the conversations that we had about the tax cuts that we passed last year as part of the budget.

The **SPEAKER**: Would the Representative defer? The Chair recognizes the Representative from Kittery, Representative Rykerson, and inquires as to why the Representative rises.

Representative **RYKERSON**: Point of Order. I don't find this relevant to the bill at hand.

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

The **SPEAKER**: The Chair would remind the Representative from Newport to keep the remarks concurrent to the Recede and Concur motion.

The Chair reminded Representative FREDETTE of Newport to confine his debate to the question before the House.

The **SPEAKER**: The Representative may proceed.

Representative **FREDETTE**: I certainly intend to do that and if I'm allowed to connect the dots, I'll certainly do that, Mr.

Speaker. Because one of the things that we talked about when we were doing the budget tax cuts is we were talking about a distributional analysis. And what that question asked was, was if we're going to do tax cuts, who's going to get the benefits of that? And by and large, the conversation was, is that we wanted to make sure that people who were getting the benefits of the tax cuts were in the middle class or the lower income. And that was the conversation and that was what we did because we wanted to focus on that.

And if you look at this report, again, this 2016 report done by the Congressional Research Service on the residential energy tax credits, on Table 2, there is a distribution, an average amount of residential energy credits by adjusted gross income in 2013. And we hear lots of conversations in debate about the one percenters. Who gets the benefits of the tax cuts? Where the wealth is in this country, in the one percent. And so, as this handout is coming around, you'll see that 3.8 percent of all the income tax returns, 3.8 percent, those making over \$200,000, over \$200,000, which is only 3.8 percent of the filers, get 22.3 percent of the credit back in terms of dollars. And their annual credit is \$1,499.89, so, \$1,500. So we have three percent of the people making over \$200,000, getting almost a quarter of the credits, and an average refund of, essentially, \$1,500.

Now, if you were to step one down in that table, down to those between making \$100,000 and \$200,000—and I will submit to you in my district, there's not a lot of people making between \$100,000 and \$200,000, when in my district I have 80 percent of the people who are on free and reduced lunches, so these aren't my constituents—eleven percent of the returns, 27.8 percent of the claiming residential credits, 32 percent of the total, with an average credit of \$618. So if you take those making above \$100,000 on that table, you're talking 14 percent of the people filing for tax returns who are getting 55 percent of the total amount of credit revenue. Now those aren't the one percenters, folks, but I will assure you that in many of our districts, those making over \$100,000 are certainly not, probably, the majority.

So, if you look at the rest of the data, what that that would say is, is that 85 percent of those filing get 45 percent of the returns back, with an average return credit of \$319. Now, I think solar has a place in Maine. I think there are people that want to use it and there are people that should use it and this is a growth industry and it will continue to grow because it has certain attractions to it. But I personally do not believe that it is fair to ask the ratepayers to subsidize a program that is largely geared towards the wealthy and I believe that this data bears that out, and I believe the data that you look at in terms of where people in Maine are who are using this also bears that out.

Now I don't believe that if this bill gets defeated that this is going to be the end of this conversation about solar. I suspect it will be something we'll see next year, maybe in a different form, maybe something that we can all agree to. But I will not support a bill that is largely geared towards a few people at the top income brackets and that is paid for by those in rural Maine, which tends to have less income. I will not be supporting the pending motion. There are parts of this bill, this amendment, that wasn't even vetted by the committee. Two or three changes to this bill that wasn't properly vetted by the committee, amended in the other body, brought down to us with the last 48 hours of session without a proper vetting. I will not be supporting this bill and I ask you to follow my light. Thank you, Mr. Speaker.

Representative McCABE of Skowhegan assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Representative **DION**: Thank you, Mr. Speaker, I've waited to have this opportunity to respond to my good colleague from Newport. His argument's taken a trajectory I half expected. Yesterday, we had the horrible hypos. Everything was laid at the doorstep of solar policy. I took note that maybe only the waitlist at DHS wasn't a consequence of our attempt to revise solar policy.

But I want to begin, because I have a simplistic argument today, so I'll begin with this footnote from my good colleague: It was the sheriff of Nottingham that stole from the rich and Robinhood returned the money. As a sheriff, I try to keep up on those historical facts. So I'll excuse my colleague from Newport, having not been a sheriff, he would've paid no mind to our history prior to today. But remember that, sir. It was the sheriff who stole, much to my chagrin. We don't know in the election following that whether Robinhood became the sheriff, but nonetheless.

And really, today, my good friend does what many of us as lawyers do when our case is weak on principle—"no offense taken," that's what he's thinking at this moment. We walk into the courthouse, each trailing a bundling suitcase full of data, full of charts, full of facts that, God willing, will sufficiently confuse the jury so they forget why they were there to begin with. What was the problem, what was the policy issue that we're being asked to solve. Like, take this thing I followed yesterday. I try this idea that somehow southern Maine's guilty of having too many solar panels. All depends how you count. In my math, if you take a look, the actual number of solar panels is probably greater in southern Maine. But I would reach into my briefcase, hopefully my assistant would've prepared for me, indexed properly, and I will pull out its chart that says "per capita." What's the actual distribution, not just the existence, but the distribution, and we would find that the jury would have to consider the fact that rural Maine as a community has adopted solar panels at a greater rate than southern Maine. Because we're dense, my good Gentleman from Newport, you can count quicker, but it doesn't mean we have them all.

Now, when I began this journey on solar policy, to which I'll admit being a neophyte, I knew it was coming from a stakeholder group, a group that this body had commissioned a year ago, to undertake the study to determine if we should turn the page and have a policy that reflects the next century, not the past. I knew at some point, I'd have to ask intelligent questions on the committee, so I did something—I know it's unusual from time to time—but I actually opened some books and did some research online and I came to a startling conclusion. (1) That I'm sure my colleague will smile and concur, I found that metering was a poor policy. I found that net metering, disadvantaged those consumers that were most likely not to be able to afford the purchase of their own solar panel. It's always shocking when both sides of a lawsuit begin with agreement. Alright? There is some hard evidence that net metering disproportionately impacts those least able to pay for it.

So I actually came to deliberations with my committee with the idea that net metering was a bad concept and needed reform. At the same time, I read the proceedings and those states that had been referred to in prior discussion by this body, that have sent the net metering question to their versions of the Public Utilities Commission and low and behold, those commissioners came to a similar conclusion. But rather than doing away with net metering, they said, "Look, here's how we solve it. If this class of consumers has been stolen from—stop that, Mr.

Sheriff—then we'll shift that burden to this class of consumers because they can well afford it." Alright?

So, in original text, net metering was about somebody receiving compensation for generating power, and some would argue too much compensation. So those PUC's like Nevada said, "Well, we'll fix that. We'll reduce the compensation to half the level that it was." And that's in simplistic terms. I'm sure if pushed, my good colleague could provide reams of data to point for the fractions of cents that I'm talking about. But nonetheless, those who had taken the journey to make the investment would suffer a pretty significant economic loss.

So I concluded from reading all that material, some written by judges and commissioners whose party affiliation I have no idea, and that's pretty unusual because now is faced with the possibility of assessing their ideas based solely on their ideas, and led me to conclude that we needed to evolve to a state greater than net metering. Now, while this was going on the stakeholder group labored, the Office of Public Advocate, an appointee of the second floor, who's there to advance the interests of the common citizen, came to a new financial model that this bill refers to as "next metering." Is it perfect? Absolutely not. It's designed by men and women. There'll always be room for addition in the future.

But what it does do is strike a balance around burden. It takes what was either mine or yours and makes it ours. We share in the investment and we share in the risk and it allows us to spur development forward. And there's been much talk about the residential sector because it's the one we can see most easily in this state, but I support this motion and I support this bill because it's going to respond to communities who see it as a new venture for their entities. I support it because it's going to provide industrial and commercial deployment in a way that we haven't seen now. And yes, there'll be residential.

So I just want you to know that in spite of the reams of paper, and I think I put my name to a piece of paper you have received or will receive with a whole bunch of data. I'm a sucker for it too. Alright? But I think at the end argument, is before the solar developer, the solar homeowner, received a benefit for their risk. If we let it go to the PUC, it's more likely than not, wink and nod, that we'll see a reduction of that benefit...

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

Representative **FREDETTE**: My honored colleague from Portland is trying to think about or even conjecture about the motives of the PUC and what they might or might not do, which I think is out of order.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport objected to the comments of Representative **DION** of Portland because he was questioning motives during debate.

The **SPEAKER PRO TEM**: The Chair would remind the Representative to keep the comments to the bill that's before us, which is the Passage of the Majority Ought to Pass as Amended Report. It is a Recede and Concur motion.

The Chair reminded Representative **DION** of Portland to confine his debate to the question before the House.

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **DION**: I will proceed. Often, judges will say, "The jury's to disregard that comment." So, I'll disregard my comment. And I agree with you. I did step over the line. It's unfortunate. I hope to be contrite in the future. Nonetheless, I think this is a good bill and I respect the work of the individuals that were involved. I respect the affirmed objectivity of the Public Advocate. I think this is a bill that makes sense and I would hope for your support moving forward. We're often asked to save jobs

in this body. Today, we should ask ourselves if we want to create it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Rykerson.

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

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

Representative **RYKERSON**: I'm looking at this paper that was handed out and I'm trying to find a place in this bill that has any tax credits or tax incentives and I can't find it. So, if anybody could point that out to me, I'd be happy.

The SPEAKER PRO TEM: The Representative from Kittery, Representative Rykerson, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, folks, in this chamber, we often have to determine what are wants and what are needs. And I have determined that the passage of this bill has become a need. This is not only, I'll speak in a minute about the beneficiaries of this bill, but we're in a place now where we can make significant change right here in Maine to benefit all of our citizens and contribute to a healthier planet.

I am a solar advocate. I have long been a solar advocate. The only thing I will say, of course, is that when entrusted with responsibility, you have to tread carefully. And I am so impressed and proud to be a part of this committee, but so impressed with those stakeholders that have been meeting for many, many, many months and informing the committee of their progress. They met last summer, last fall. Through the winter, we've been looking for information and been getting it. This is not an eleventh hour conclusion that we have here. It's been worked on by industry, by the utilities, by advocates for the ratepayer. And amazingly, to me, we have the utilities and the advocate for the ratepayer coming to some consensus and the industry, at least in large part those that are involved here in Maine, willing to sign on. I find we're in a remarkable place.

I do want to comment on the characterization of prior solar customers being the advantaged. I don't condemn those folks for having invested in solar in the past. I look at them as do-gooders who were, yes, incentivized financially, but put up an incredible amount of money initially in order to make an investment that will take a great deal of time for them to realize a return. Luckily, we have something before us today that expands that number so that not only the advantaged will be—and when I say advantaged, I'm talking about people like you and I who sit in this chamber, because we all know that the majority of our constituents in this state are not as well off as we are that are sitting here. But we do have that alternative to make that investment should we choose. It would be painful for some of us, but we at least have that choice. I understand that more people need to be part of the fold and be able to benefit from the legislation.

So here we have utilities now, who always had transmission and distribution concerns, being satisfied with what we have in front of us. We have the advocate for the ratepayers having proven that especially in the long term, this will be of significant value to ratepayers. As explained in the handout before you, to non-solar owners it'll be an advantage. And of course, the industry, I think, courageously signs on because they have had confidence in the status quo and it has been determined that the status quo can be improved upon and they are willing to take this jump because they see the benefits involved that all of us on the committee that signed onto this report, and even some of those

that are trying to tweak it a little bit, we still see the value in what has come before us.

The good Representative from Newport did mention his lack of confidence in the price caps that are a part of the bill. You know, I come from a completely different place. Perhaps some of you that have concerns will find solace in the fact that I'm concerned about those price caps being too strong, because I want the targets to be met that are defined in the bill. And those targets have been reduced so that the amount of risk is actually less. But, by all accounts, this bill is very good for you and I, but also for those that live after us and I urge all of us to vote "yes" on this bill. Thank you, Mr. Speaker.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, I rise to respond to the question posed by the good Representative from Kittery. So, in this amendment, 70 megawatts of residential rooftop solar are required in the next four years. And at four kilowatts per an array, that's approximately 17,500 rooftops that are eligible for the federal tax credit.

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

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, solar is a growth industry in Maine, meaning that it increases jobs. But, a part of the reason for it being a growth industry in Maine now is that 15 or 20 years ago, we put in place some policies that helped the industry by providing a little bit of ratepayer support.

When I testified before the Energy Committee in the late 1990's, about the need for net metering and a renewable portfolio standard, we knew then that the system would have to be fixed in the future with the wisdom of further information. It's incredible to me how well the system has worked over the last 15 years. Consider, what will the energy landscape look like 15 or 20 years from now? I am proud, once again, to be part of providing help to one of our job creating industries and I look forward to the passage of this bill. Thank you, Mr. Speaker.

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

Representative **BEAVERS**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I support this motion, which is Senate Amendment "A" to the Committee Amendment "A" of this bill because it answers most of the concerns that were expressed yesterday. I'm going to leave it to the person who helped with that amendment to explain the details of it.

My comments are that, of the growth that was mentioned yesterday in Maine, was due primarily to contracts that they're getting from other states like New Hampshire and Massachusetts. That growth is not as high as it could or should be in the State of Maine and we are the only state in New England that does not offer incentives to the solar industry. This bill not only offers such incentive, it will allow people of almost all economic income levels to participate in solar without large upfront capital investment and that would be through municipal and community projects.

This is not a subsidy program. It is an investment in clean renewable energy that will also significantly help increase jobs—well-paying jobs—and help decrease greenhouse gas emissions in the State of Maine.

Finally, this bill resulted, as you've heard, from a large group of stakeholders, many of whom have rarely been on the same page during my six years on the Energy Committee. Those stakeholders include: utilities, municipalities, private citizens, solar installers, churches, environmental advocates, legislators

from both sides of the aisle, plus the Public Utilities Commission, the Office of Public Advocate, and the Chief Executive's Energy Office. The Public Advocate, Tim Schneider, coordinated the preparation and financial analysis of this bill, which will save money for the rate payers and taxpayers and contribute to economic growth for Maine. Tim has the most integrity of anyone I've met in Augusta and I greatly appreciate his efforts on behalf of Maine ratepayers.

I would also offer special thanks to all the stakeholders, as well as to Senator Woodsome and Representative Higgins for their willingness to negotiate a bill that both sides can live with. I hope you'll support this bill. Thank you.

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

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, briefly, yesterday, I spoke before this amendment was passed in the other body and I just wanted to add that I would've said yesterday and what I will say now is that, when I spoke of water, air, and solar being most efficient, in our view, I meant that as a basis for a policy that the Maliseet Tribe is pursuing right now to accept the encouragement of this bill, that we've been trying to pursue on our own for the past four years since the community adopted our strategic economic development plan, which includes, not just bottled water and wood pellet production, based on the advice of members of this body helping us with these decisions, but also in the manufacture of solar panels. So, not only as our friend from Portland has stated that is not just a wealthy southern Maine, urban or a growth predominantly known to be in rural Maine, but it is also the view of the tribe to pursue this as a growth industry and good business. So, we just wanted to add that to this and to encourage the passage of this amendment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins. The Member will defer. The Chair would inquire why the Representative rises.

Representative **BABBIDGE**: I suggest the absence of a quorum.

Representative **BABBIDGE** of Kennebunk inquired if a Quorum was present.

The SPEAKER PRO TEM: The Chair has determined that a quorum is present.

The Chair declared a Quorum present.

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

Representative **HIGGINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, certainly would like everybody here to listen to this profound speech that I have today. But, I'm struck by the fact that the issue about solar power has become such an emotional issue and it certainly has. And we have seen that, I think, in our committee. There have been passionate positions. A lot of data's been exchanged. In fact, there's so much data exchange it's hard to know what data to believe anymore.

Yesterday, I spoke about the fact that I could not support LD 1649 yesterday because I had some major concerns. And I'd like to just, kind of, capture a few of those. One of them was the size of the project. 248 megawatts is an enormous project and even at 196, that's still a very large commitment to solar power. But it's certainly much improved. The residential was 118 megawatts, reduced to 70. I was thinking about how many rooftops that would be and when my good friend, Representative Wadsworth, was talking, it'd certainly be a lot more rooftops than the ones he mentioned.

But two of the things I felt very passionate about and each of us brought certain passions to this process, mine was about agriculture, has been last year and continues to be. And maybe that's because I live in a very rural area of Maine. Or maybe it's because I grew up on a farm. But when I was overseas in Germany, the solar I saw in Bavaria was placed on the rooftops of barns and sheds. It seems to me that if we're successful in this, it won't be long, we'll be driving down the road and we'll say, "Oh, look, there's solar panels on that farm," or on that forestry business.

The other piece that I believe strongly about is municipal was in third, but not explicit. The amendment includes municipal as a defined category, coupled with industrial and commercial and the category was actually increased in the amendment to ensure that they would not have to divide that up, but in fact that municipal would have a fair shot and opportunity. We hear all the time about our closed landfills and what are we going to do with them? Or brownfields, or in back of my house, there's an airport, an airport that averages two flights per month. Might that better use be to generate electricity for the municipality of Dover-Foxcroft, or shared with the local hospital, or shared with our library, or shared with our K-8 public school system.

So, I think there's a lot of opportunity and I, for one, living up north perceive that there's a disproportionate number of rooftop residential in southern Maine. I notice that when I'm down in Cape Elizabeth visiting with my daughter and my grandchildren because up home, I've got to really look hard in some communities to find one. But I believe that we're in this together. I don't believe it's about north or south. I'd like to think the agriculture and municipal, the commercial and industrial, will benefit the area in the state in which I live—one of the poorest area in Piscataquis County.

I wanted to point out one of the things I think we don't talk a lot about and that is what are the economic benefits to the State of Maine? It's always easy to look at the bottom of the spreadsheet and look at dueling, if you will, reports, amendments, estimates by the Public Utilities Commission, estimates by the Public Advocate, and they're all a little bit different. But I went online and I looked at a couple sources on the national level, the National Renewable Energy Labs data and the Department of Energy model for solar power. And based on that information, here's what I extracted. The 196 megawatts that's in this project will generate approximately \$500 million, a half a billion dollars. Now just think for a moment, can we think of any other business that's going to invest a half a billion dollars in Maine in the next, between now and 2022? The sales tax revenue will be about \$12 million. It will create 600-750 jobs, rural. Wages will top \$35 million by 2022 and the typical jobs that we've been told by the folks that are in this business, they pay about \$50,000 a year—not low income jobs.

It's tough to calculate property taxes because all of our towns do it differently. And, in fact, many towns tax solar different than they do other things. So, can't really figure out what that would look like, but we do know it's going to be taxable property and welcome revenues to our municipalities. And the question I ask is: so what have we invested? What do we invest in these jobs from our taxpayers? Certainly, there's a ratepayer perspective, but from a taxpayers. The answer is zero. We're not investing any public funds to do that.

The other issue, and I'll try to be brief, I'm not going to go into net metering. I think my good friend from Portland captured the essence of that. But the question is, how's this new system work? And let me give you just a quick, as a school teacher, I can't pass on this. So, you won't get a quiz afterwards. And please don't raise your hand to ask questions. But, here's how it

is. The new policy proposed is all solar generation. We'd be sold to a standard buyer, or two standard buyers in Maine, Emera and Central Maine Power, will serve as the solar power purchaser. They will purchase power. They will issue contracts.

And yesterday we heard there's a \$300 million liability. Well, there is, in fact, it will cost them, and I asked the public advocate to give me the numbers, and it would cost \$345 million, not \$300 million. Now if we were all going to be on the hook for \$300 million, I'm going to sit down, we should vote quick and leave town. But as Paul Harvey used to say, "And the rest of the story." The rest of the story is, what are they going to do with our electricity? They're not going to give it away. They're acting on our behalf, as our intermediary. Here are the numbers that were shared by the Public Advocate in terms of what we would generate for revenue. We would generate \$290,729,000 from the sale of energy into the wholesale markets—not the retail—the wholesale markets in the New England grid. With it would come the REC's that go with it and the REC's, in fact, were priced at about 50 percent of what the current rate is at \$.04. They were priced in at about \$.02 because that's a very volatile market. And that would provide, over the term of the contract, \$61,855,000.

There's a thing called the forward capacity market, which I'm still trying to figure exactly, but it means you can bid into it because you're predictable. You do it three or four years out. It's not a huge amount of money. Well, I guess it is: \$51,731,000. When I add it all up, and I added it several times being a social studies teacher, it's \$404,315,000. Remember the other number, \$345,955,000 over the length of the 20-year contract. Paying the contracts, taking in the revenues. It would provide a plus \$58,360,000. I'll leave those numbers for you to think about.

Are there risks? Absolutely. One of the reasons I was an advocate of making sure we didn't have uncapped rates, because we wouldn't be able to get a handle on what the risks might be. But I believe the risks are acceptable and preferable to many of the other risks we're going to see in the energy markets. So, while yesterday I stood and opposed the bill, I'm encouraging modernizing solar policy to encourage economic development. I believe that this policy does absolutely that and I urge your support for the pending motion. Thank you Ladies and Gentlemen for your patience. Thank you, Mr. Speaker.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, is your head spinning? I know mine is. We've heard Members in this chamber referring to this as a program. That's exactly what this is. It's a program. It's never been tested anywhere in the country. What happens when mistakes are made? What happens when the program and the new layer of bureaucracy that the report creates becomes too costly? And most importantly, what happens when the ratepayers of Maine are saddled, yet again, by the significant increased costs that this bill will certainly produce? The answer is pretty clear to me. It creates anything but a predictable climate for solar growth here in Maine. Maine needs sound, cost-effective renewable policy to protect all ratepayers, existing net metering customers, and future solar customers. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I would like to say to the good Representative Babbidge from Kennebunk that needs and wants are not rights, just to be specific. And yesterday, when I spoke to this bill, there was a lot of numbers that were thrown around. Today, more numbers are being thrown around. Those numbers are speculative at best, but we

do know that this will cost. Immediately, what this will cost on the Appropriations Table for the first year is over \$200,000. Now this is from the general fund. I'm not sure what the ratepayers will pay, but I ascertain that it will be someplace between \$15 and \$22 million. I don't think that it's good to balance that on the backs of our poorest of poor and I urge you to vote against this. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, there's a handout here that came from the Chair of the Energy Committee and I've got some questions. Part of it talks about they expect it to be below market rates. "Every analysis of the PUC and the OPA agree on at least one thing: It would immediately save ratepayers money compared to continued net metering." And then a couple of lines down it says, "In contrast, a vote against 1649 as amended is a vote to hand Maine's solar policy over to the Public Utilities Commission, which is poised to weaken net metering." I suggest eliminating it in the top part might weaken it in the bottom part, so I don't quite understand the dichotomy there.

I also see here, I've heard talk about these huge rate savings, yet on the second page, No. 4, it said, "This will substantially reduce any near term rate impacts." Well, if we're saving money, shouldn't be any near term rate impacts that I can see. I also, there are 605,000 meters, approximately, in the State of Maine and I see a cost here of \$0.31 per meter. That's \$187,500 from my math, and that's a cost. Thirty-one cents, 605,000 meters, is a cost. \$58 million, maybe, and "I believe the risk is acceptable." It's awful easy to take a risk with taxpayer dollars, but I'm not willing to take that risk. Again, if I can use numbers, 119 percent growth, a 70 percent reduction in cost of installation, and an 80 percent cost reduction in materials. If any other business came with those stats and said, "Guys, bail me out, I need you to force somebody to purchase from me," we'd laugh them out of here. I just don't believe it.

So, I don't see the risk as acceptable and why would we burden ratepayers anyway? The whole agricultural portion of this, I bet it feels good, but I'll tell you, from a practical standpoint, there's an account at the federal level with \$1.2 million in it that nobody's applied for. \$1.2 million at the federal level, but we want to burden Maine ratepayers. Why? Why? I just don't quite get it.

So, anyway, the protections also appear to be making the assumption that we are not going to take a look at net metering. Now, there may be some in here who don't trust the Public Utilities Commission. I happen to trust them explicitly. We've got a phenomenal staff at the PUC, a phenomenal staff at the PUC, and we've got three outstanding commissioners. So, if we don't think we can trust them to evaluate what net metering is going to do, the other question I would like to just throw out there is—well, maybe it's a comment—if I bought, if I had just bought a solar array, if I were putting it on my home, and the salesman had said to me, "You know what? This is good for 20 years." But now they're willing—those very same salesmen—are willing to sell that net metering to get more business. I'd be pretty upset. Even if we keep it for 12 years, if they've told me it's good for 20 and I bought it last year, there ought to be 19 years of payback from me. So, I'm not sure that I would feel warm and fuzzy doing business with them.

Anyway, I'm not in favor of this. I think the whole mechanism was a little bit, this isn't what we looked at in committee and there were a lot of unengaged people on, I think, both sides of the aisle, and now this shows up as something that apparently been worked on for a considerable amount of time, but all of a sudden

it's, "Hey look what we've got." So, I'm just, I'm not happy with this at all. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, as you know, I rose the other day concerned about our seniors and this and that. For days now, I've got more information you'd ever want and I think I have decided this is one good bill and I will be supporting it and voting it and please follow my light. Thank you.

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

Representative **GROHMAN**: Thank you, Colleagues, I just call your attention to the yellow sheet I distributed. One of the first things I learned here in the house is that I can't hold something up, so I won't hold it up. If I did, I would get taken aside by the Clerk and I don't want that to happen again.

So, I just want to point out, if I could, an error on page two, or the back side of the sheet. Underneath "Commercial and Industrial," where it says 25 megawatts it should be 40. If you look, if you have the amendment online, you can see that in the summary under Item 2. You'll see the correct information there, and I apologize for the error. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I would want to just take a few seconds to tell you how fun it is to be on the Energy, Utilities, and Technology Committee. We talk about megawatts, kilowatts. We talk about grids. We talk about electrons. I know that might not be as compelling when I list them like that. And we also have the opportunity to be surrounded by a very thick legion of lobbyists.

So, imagine my surprise, what a bright sunny day it was when I had a chance to hear from Sadie Alley Ferreira of Bucksport. And if my geographic is correct, I believe that that's around the Orrington area. She came and spoke that she's the fourth generation of her family working at the Bucksport Paper Mill. In her voice: "Unfortunately, there won't be a fifth generation. We have seen that many Maine's paper mills are closing or are operating at a reduced capacity. There is a bright side of this story. I now have a steady, good-paying job in the solar industry near my home town." She also went on to describe that her children are watching as the paper mill is being dismantled. So, imagine after generation and generation of your family tradition of working in a paper mill, it being dismantled, and yet, you find opportunity of a good-paying job in the solar industry. If you pass this solar bill, she says, "I believe other mill workers will be able to transition to the solar industry, too."

So, Mr. Speaker, we want our sons and daughters to be able to stay in Maine and find good jobs. We agree that we need to keep and attract young workers and have a healthy economy, even for those of us who work in the creative economy, and trade jobs in the solar industry are very important to providing opportunities in which to do so. So, it is a bright sunny day that we get to support Recede and Concur for this bill. Thank you.

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

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

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

Representative **STETKIS**: Thank you. Other than the two citizens that are net metering customers in the Town of Canaan,

I'd like to know, out of the other approximately 2,000 citizens, are their electric rates going to go up or down if this passes?

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

Representative **GROHMAN**: Thank you for the question, Representative. It's a good one. I think that's what the opportunity we have before us is. It can be argued in a valid manner that the current arrangement of net metering has the effect of ascribing the costs that aren't paid by the two residents in Canaan that have solar, to the other 2,000. The reason for that is, those customers are able to net out their bills to \$11 a month, and therefore they don't pay transmission and delivery charges. And under the new arrangement, that inequity will be addressed.

There are two reasons for that. One is that the power produced by those two customers—now to be fair, it would have to be two new customers—your two original constituents would remain in the current arrangement. But future customers would then sell power in a manner which brings costs down for all ratepayers.

And I would also point out, if you're not an advocate of pro-solar policies, one of the major gets in this bill is we're going to end it all via this amendment in four years. I think we've talked about 30 years of solar subsidies. If we pass this, four years from now, they'll all be gone. Thank you.

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

Representative **O'CONNOR**: Thank you. To answer that question, the costs for this for the first five years are frontloaded. This will be an increased cost to all the ratepayers of the State of Maine, including the ones from Canaan. It will also be a, not just the ratepayers, but the taxpayers will pay for this program through the general fund. There is a fiscal not attached to this, so indeed, this will cost all citizens of the State of Maine. Some will benefit at the expense of others.

The SPEAKER PRO TEM: 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. 633

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

NAY - Austin, Bickford, Black, Buckland, Campbell R, Chace, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Ginzler, Greenwood, Guerin, Hanley, Hawke, Head, Hilliard, Kinney J, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault,

Timberlake, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Goode, McLean, Russell, Wallace.

Yes, 91; No, 56; Absent, 4; Excused, 0.

91 having voted in the affirmative and 56 voted in the negative, with 4 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

ORDERS

On motion of Representative HOBBS of Saco, the following Joint Order: (H.P. 1167) (Cosponsored by Senator BURNS of Washington and Representatives: EVANGELOS of Friendship, GINZLER of Bridgton, GUERIN of Glenburn, HERRICK of Paris, McCREIGHT of Harpswell, MONAGHAN of Cape Elizabeth, MOONEN of Portland, SHERMAN of Hodgdon, WARREN of Hallowell, Senators: JOHNSON of Lincoln, VOLK of Cumberland)

ORDERED, the Senate concurring, that the Working Group to Study Background Checks for Child Care Facilities and Providers is established as follows.

1. Working Group to Study Background Checks for Child Care Facilities and Providers established. The Working Group to Study Background Checks for Child Care Facilities and Providers, referred to in this order as "the working group," is established.

2. Membership. The working group consists of 5 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

B. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature.

The members appointed must serve on the Joint Standing Committee on Judiciary, the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs or the Joint Standing Committee on Appropriations and Financial Affairs.

3. Working group chairs. The first-named Senator is the Senate chair of the working group and the first-named member of the House is the House chair of the working group.

4. Appointments; convening of working group. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the working group shall call and convene the first meeting of the working group. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

5. Duties. The working group shall review the requirements for national criminal history background checks based on fingerprints as required by the federal Child Care and Development Block Grant Act of 2014. The working group shall invite the participation of and comments from stakeholders, including but not limited to child care facilities, family child care

providers and parents. The working group shall invite the participation of the Department of Health and Human Services and the Department of Public Safety, State Bureau of Identification. The working group shall recommend how the required background checks should be incorporated into law in this State, including but not limited to who should be subject to the background checks, whether the law should provide for contingent or provisional hiring while background checks are pending, who is responsible for the payment of costs associated with the background checks and how the Background Check Center within the Department of Health and Human Services can help coordinate and streamline the background check process for child care facilities and providers. The working group shall explore options, including the application of federal grant funds, to defray all or some of the initial and ongoing additional costs.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

7. Report. No later than November 2, 2016, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 127th Legislature.

READ.

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

Representative HOBBS: Thank you very much, Mr. Speaker and Men and Women of the House, as you recall, LD 1689 was considered by this body just recently. That is the bill that was sponsored by the gentlelady from Calais, Representative Maker, and it received enthusiastic endorsement. The Judiciary Committee, in its deliberations of this issue regarding LD 1889, which, as you know, was put together as a gap measure concerning the background checks for childcare providers.

The Judiciary Committee, in its deliberations, realized in developing the amendment, that there were many unanswered issues that needed to be addressed in order to bring us in compliance with the federal mandates, but also in order to address the issues by having input from family childcare providers, childcare centers, parents, and other stakeholders during the process of promulgating substantive rules by the Department of Health and Human Services. The committee did not intend to answer all the questions that had been raised, but instead, established a framework to move forward toward compliance with the federal law, and which provides ample time to find answers to the questions that were raised at the public hearing and have public review and input before any changes can take place.

In that process, the Judiciary Committee also is supporting the Joint Order that is before you that will provide the opportunity for healthcare centers, family childcare providers, parents, and other stakeholders, to sort through all of the implications of the federal background requirements. How the new background checks center with Department of Health and Human Services can help to coordinate and streamline the background check process for childcare providers. Explore options including the application of federal grants to defray all or some of the initial and ongoing additional cost.

The Joint Order before you establishes this working group to study this whole issue. This group would be made up of, proposal, five members of the Legislature appointed from, essentially, membership from the Joint Standing Committee of Health and Human Services, the Joint Standing Committee on Education and Cultural Services, the Joint Standing Committee on Appropriations and Financial Affairs, and finally, the Joint Standing Committee on Judiciary. And this working group will

convene and it will include many stakeholders, which I had mentioned before. It will invite participation of the Department of Health and Human Services, the Maine Department of Public Safety, the State Bureau of Identification, and also get the input again from those groups that are so involved in this area. And hopefully, this group can find meaningful answers to those unanswered questions that confront these different centers, parents, and the like.

So, we're hoping that this working group can be established, that it will receive the approval of the House and the other body, and also be considered by the Study Table, which will be considering different study finding mechanisms. So, I would appreciate your support with respect to this working group. Thank you.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'd like to join my voice with that of the good Representative from Saco. Many of you have received emails from childcare providers who were fearful of the changes being made by this House. And I agree that some of the changes required by the federal government may be things that we would prefer not to participate in. But the fact is, I believe that we have passed the Representative from Calais's bill and that was a wise decision and a needed decision. This bill would give those childcare providers their opportunity to have more input in the bill and the rules that the Department will be making. I think this is a very important Joint Study Order and I hope that we can have a unanimous report on this so that we will send a message to the committee that decides the Joint Study Order expenditures and will put this high on the list. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Mr. Speaker Pro Tem, I would like to join my voice with the voice of the good Representative from Glenburn in support of this study group. I think that the Judiciary Committee did an excellent job responding to the concerns that many of the childcare owners and workers whom I met with had. However, I would ask those who are present here who may serve on this committee in the future to keep in mind that childcare workers are busy during the day and that my hope is that this committee will meet in the evening when childcare workers would be able to attend. Thank you.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

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

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

REPORTS OF COMMITTEE
Ought to Pass Pursuant to Joint Order

Representative **GATTINE** for the **Joint Standing Committee on Health and Human Services** on Resolve, To Require the Gathering of Information in Order To Develop a Plan To Expand the Infrastructure Capacity for State Forensic and Civil Mental Health Treatment (EMERGENCY)

(H.P. 1168) (L.D. 1700)

Reporting **Ought to Pass** pursuant to Joint Order 2016, H.P. 1160.

Report was **READ**.

Representative **ESPLING** of New Gloucester moved that the Resolve and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **GIDEON** of Freeport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, Women and Men of the House, I rise in opposition to the motion to Indefinitely Postpone. I want to explain this bill and give Members a little reminder of where this came from. Last week, a Joint Order passed between the bodies that allowed the Health and Human Services Committee to report out a bill trying to establish a process for gathering information to continue to improve the situation at Riverview Hospital.

The Health and Human Services Committee met earlier this week. We voted out this bill unanimously. The Joint Order was really sponsored by my friend, the Representative from Hancock, Representative Malaby. And really, this is part of the continuing effort that I think many of us, all of us in this chamber have made in order to improve the situation at the hospital. This bill requires the Department to go out and gather information to determine whether there need to be any physical plan improvements, any structural improvements, to the hospital.

It requires the Department to bring that information back and to have it reviewed by a stakeholder group, which includes a very, very broad group of employees, the superintendent of the hospital, the court master, the commissioner or her designee, representatives of the sheriffs, and to gather that information and bring back a report to the Health and Human Services Committee next year. I'm really grateful of the bipartisan work that the committee did in order to quickly move this bill forward and I hope you will defeat Indefinite Postponement and move this bill forward. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, Men and Women of the House, what the good Representative from Westbrook just said is absolutely correct. However, later that evening, after we reported this out, I received a call from the commissioner of the Department of Health and Human Services and she called me that evening to explain that currently—and we did not have this knowledge—but currently the Department is already engaged in the process to create a separate and distinct unit at Riverview.

I'd like to thank my Health and Human Services Committee for taking the time to meet and to put this initiative together. It's been a couple years now where we've been trying to go through a process and figure something out and try to stabilize the hospital over there. But at this time, this Joint Order at this point really isn't needed and could, potentially slow down the current plan. So, I hope that you will vote to Indefinitely Postpone this bill. Thank you.

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

Representative **STUCKEY**: Thank you, Mr. Speaker, I rise just to point out that I think it's curious that the entire Health and Human Services Committee voted to report this out. And I don't think if we had had any discussions with the Department, we would have felt quite the same way. I don't think it would have been necessary and I'm distressed that we're in this rather embarrassing situation that the lack of communication between

the committee and the Department resounds. It's a deafening silence. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, again, I'm glad to hear that the Department is looking into this. We have been working to engage the Department in this conversation now, since this issue came up last year. Again, I'm happy that the Department is looking into this issue. We've heard conflicting information about whether they were interested or not interested in looking into this over the course of the session when we've talked about Riverview many times in the committee.

But, I think what's important, and I think what this bill does, is it takes the work that the Department says that it's now doing and brings it into a public process and develops a way for that information to be brought together and reported back to the Legislature in a very defined and organized way. So, I don't see this bill as conflicting at all with what the Department says or said to the Representative from Chelsea that it's doing. I think what we're trying to do here is enhance that.

I think we need to nail down a solution to this problem and ultimately, as a Legislature, we are going to be involved in making the decision about what happens over there and how it is funded and I think trying to pull this information in an organized way, having it presented to us after being reviewed by stakeholders, that obviously include the Department, I think is very important. And, I hope we're going to move this forward. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Mr. Speaker, Men and Women of the House, I'm having a little trouble voting on a phone call. I'm wondering if we could see some written communication from the Department that would verify the efforts that the Department is making in this behalf. Thank you.

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

Representative **SANDERSON**: Thank you, Mr. Speaker, I think it's fair to not that through the last three years, the Department has made a continued effort to put forth initiatives in front of this body and the other body in order to come up with a solution to the hospital and get that recertified. While this legislative body may not have been on the forefront with knowledge of the initiatives that were put forward and brought through here, we did learn about them. The phone call happened in reaction to this bill, which the commissioner had no knowledge of, and she made sure to reach right out to me to let me know what they were doing.

And I think it's important for us to consider that where they're already engaging in the process where they have to stop the process, conduct an RFI, it could potentially put them back from where they are for a few months to a year in getting another separate and distinct unit over there. And really, the Department's goal at this time is to find a solution so they can get that hospital recertified and find a place for the forensic patients over there who no longer need the hospital level of care, which is kind of mucking up the works when it comes to certification, into their own unit.

So, I really do hope you will Indefinitely Postpone the bill. I really don't need to see a document from the commissioner just to prove that she is doing something. They have continually brought efforts forward in front of this chamber. And, unfortunately, we haven't been able to pass any of them. Thank you.

Representative HYMANSON of York **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Indefinite Postponement of the Resolve and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 634

YEA - 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, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, 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, Ward, White, Winsor, Wood.

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

ABSENT - Goode, Higgins, McLean, Russell, Wallace.

Yes, 65; No, 81; Absent, 5; Excused, 0.

65 having voted in the affirmative and 81 voted in the negative, with 5 being absent, and accordingly the motion to **INDEFINITELY POSTPONE** the Resolve and all accompanying papers **FAILED**.

Subsequently, the Report was **ACCEPTED**.

The Resolve was **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation"

(H.P. 1037) (L.D. 1514)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY HOUSE AMENDMENT "A" (H-654) thereto in the House on April 7, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-524)** thereto in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

Bill "An Act To Raise the Base Assessment for Correctional Services for Oxford County"

(S.P. 704) (L.D. 1697)

Minority (4) **OUGHT NOT TO PASS** pursuant to **Joint Order 2016, S.P. 695** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** in the House on April 12, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (9) **OUGHT TO PASS** pursuant to **Joint Order 2016, S.P. 695** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

ENACTORS
Acts

An Act To Modernize Maine's Solar Power Policy and Encourage Economic Development

(H.P. 1120) (L.D. 1649)
(S. "A" S-522 to C. "A" H-666)

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.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-531)** on Bill "An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program"

(S.P. 671) (L.D. 1646)

Signed:
Senators:
HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
STUCKEY of Portland
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-532)** on same Bill.

Signed:
Senator:
BRAKEY of Androscoggin

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-531)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-531)** 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-531)** in concurrence.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing"

(H.P. 646) (L.D. 927)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674)** in the House on April 14, 2016.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Increase MaineCare Services for Certain Recipients To Allow Them To Remain at Home (EMERGENCY)

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608) AS AMENDED BY HOUSE AMENDMENT "C" (H-669) thereto in the House on April 13, 2016.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Resolve was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

An Act To Simplify and Expand the Educational Opportunity Tax Credit

(S.P. 678) (L.D. 1657)

(C. "A" S-438; S. "A" S-509)

PASSED TO BE ENACTED in the House on April 12, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AND SENATE AMENDMENT "A" (S-509) AS AMENDED BY SENATE AMENDMENT "A" (S-533)** thereto in **NON-CONCURRENCE**.

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

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

On motion of Representative HILLIARD of Belgrade, the House adjourned at 9:20 p.m., until 12:00 p.m., Friday, April 15, 2016, in honor and lasting tribute to Constance F. Keschl, of Belgrade and Stuart James Leach, of Penobscot.