

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
41st Legislative Day
Friday, April 15, 2016

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

Prayer by Honorable Christopher W. Babbidge, Kennebunk.
National Anthem by Kelsey Franklin, Oxford.
Pledge of Allegiance.

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

Doctor of the day, David McDermott, M.D., Dover-Foxcroft.
The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Fuel Used in Commercial Farming, Fishing and Forestry (EMERGENCY)

(S.P. 579) (L.D. 1481)

PASSED TO BE ENACTED in the House on March 22, 2016.
(Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-385)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-385) AS AMENDED BY SENATE AMENDMENT "A" (S-529)** thereto in **NON-CONCURRENCE**.

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

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

Representative **MARTIN**: Mr. Speaker, Members of the House, just to clarify, there is money taken out of this biennium for the beginning portion of the implementation of this program. As we move forward, it will simply mean that in the future, the state will get less money coming into because these items will then be free from taxation.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker, Men and Women of the House, I rise not to speak to the policy merits in the bill before us, but to the lack of a source of funding for the bill. If this bill, which has a fiscal note of over \$10 million a year, is worth adopting, we should find a way to pay for it now. Pretending there is no cost to this sales tax break by pushing the start date out into the future and pushing its huge fiscal note into the future is, I feel, deceptive and fiscally irresponsible. Engaging in this kind of practice is like deciding to buy a car and telling ourselves there's no cost because the payments don't start for a few years. There has been a great deal of discussion in the State House this session about no new spending. The bill before us will involve plenty of new spending. I just don't want us to kid ourselves. Thank you.

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

Representative **MARTIN**: Thank you, Mr. Speaker and Members of the House, just a little history of this. This piece of legislation has been before the Legislature at least for the last six years. Every time we come to the end of the session, we get to a

point, "Well, we don't have any money." Here's an opportunity where the bill has come before us, it's clear as we move forward that there will be a cost to the budget. It simply means that there'd be less revenue coming in as a result of these payments not coming in for the state, but it'll also mean that people who are in the business of forestry, of fishing, and commercial farming will not have to pay those fees. If we ever are going to want to get to this point, much as we hate to do what we have to do sometimes, you have to vote to Recede and Concur and I understand where my Chair of Appropriations is coming from because firmly, we've always believed that we should pay for something as we get it. This is one of those items, unfortunately, we will never get to unless we do it this way. And so I urge you to vote to Recede and Concur and I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, I wasn't going to speak on this until a roll call was requested. But quite a number of years ago, the commercial fishermen got a break and fuel, the sales tax that they pay on fuel, is refunded to them. You have to fill out a form, you have to submit it to revenue services, but they get a rebate. This is, sort of, I don't know if it's leveling the playing field, but certainly it's a tremendous break for the loggers and all of those involved in commercial agriculture. I think it's a bill that we should support. We should support the motion. Thank you.

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

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

The SPEAKER: The Representative may pose his question.

Representative **GOODE**: I'll be interested in anybody in the body could just explain the fiscal note on this bill. It sounds like it might have been amended, so that the fiscal note was pushed out into the future.

The SPEAKER: The Representative from Bangor, Representative Goode, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker and Members of the House, the good Representative from Bangor is correct. Otherwise than that, it would not be implemented.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I will be voting with the Representative from Lewiston, Representative Rotundo on this motion. And I would just remind all of you that many of you have brought bills to the Taxation Committee this year. It's not been our practice to push funding out into the future for tax credits and tax expenditures and I don't think we should change that process this late in the session for this bill. Thank you, Mr. Speaker.

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

ROLL CALL NO. 635

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Bickford, Black, Blume, Buckland, Campbell J, Campbell R, Chace, Chenette, Corey, Davitt, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Foley, Fredette, Gattine, Gerrish, Gideon, Gillway,

Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Kinney J, Kinney M, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, Monaghan, Morrison, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Beebe-Center, Brooks, Bryant, Burstein, Chapman, Chipman, Cooper, Crafts, Daughtry, DeChant, Farnsworth, Fecteau, Fowle, Frey, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Mastraccio, McCreight, McLean, Melaragno, Moonen, Nadeau, Pierce T, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Tipping-Spitz.

ABSENT - Doore, Farrin, McElwee, Powers, Theriault, Wallace.

Yes, 105; No, 40; Absent, 6; Excused, 0.

105 having voted in the affirmative and 40 voted in the negative, with 6 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

COMMUNICATIONS

The Following Communication: (S.C. 984)

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

April 14, 2016
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended by Committee Amendment "B" (H-652) Report from the Committee on Health and Human Services on Bill "An Act To Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law" (H.P. 1107) (L.D. 1631) and Passage to be Engrossed as Amended, in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Health and Human Services on Bill "An Act To Reform Welfare by Establishing Bridges to Sustainable Employment" (H.P. 868) (L.D. 1268), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative GUERIN of Glenburn, the following Joint Resolution: (H.P. 1169) (Cosponsored by Senator CUSHING of Penobscot and Representatives: AUSTIN of Gray, BATTLE of South Portland, BEEBE-CENTER of Rockland, BICKFORD of Auburn, BLACK of Wilton, BROOKS of Lewiston, BUCKLAND of Farmington, CAMPBELL of Orrington, CHACE of Durham, CHAPMAN of Brooksville, CHENETTE of Saco, COREY of Windham, CRAFTS of Lisbon, DILLINGHAM of Oxford, EDGEComb of Fort Fairfield, EVANGELOS of Friendship, FARRIN of Norridgewock, FOLEY of Wells, FOWLE of Vassalboro, FREDETTE of Newport, GATTINE of Westbrook, GERRISH of Lebanon, GILLWAY of Searsport, GINZLER of Bridgton, GREENWOOD of Wales, GROHMAN of Biddeford, HANINGTON of Lincoln, HANLEY of Pittston, HARRINGTON of Sanford, HAWKE of Boothbay Harbor, HEAD of Bethel, HERRICK of Paris, HICKMAN of Winthrop, HIGGINS of Dover-Foxcroft, HILLIARD of Belgrade, HOBART of Bowdoinham, KINNEY of Limington, KINNEY of Knox, KORNFIELD of Bangor, KUMIEGA of Deer Isle, LOCKMAN of Amherst, LONG of Sherman, LONGSTAFF of Waterville, LYFORD of Eddington, MAKER of Calais, MALABY of Hancock, MAREAN of Hollis, MASTRACCIO of Sanford, McCLELLAN of Raymond, McCREIGHT of Harpswell, McELWEE of Caribou, MONAGHAN of Cape Elizabeth, NUTTING of Oakland, O'CONNOR of Berwick, ORDWAY of Standish, PARRY of Arundel, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Dresden, POULIOT of Augusta, PRESCOTT of Waterboro, REED of Carmel, ROTUNDO of Lewiston, SANBORN of Gorham, SANDERSON of Chelsea, SCHNECK of Bangor, SEAVEY of Kennebunkport, SHERMAN of Hodgdon, SIROCKI of Scarborough, SKOLFIELD of Weld, STEARNS of Guilford, SUKEFORTH of Appleton, TEPLER of Topsham, TIMBERLAKE of Turner, TIMMONS of Cumberland, TUELL of East Machias, TURNER of Burlington, VACHON of Scarborough, WADSWORTH of Hiram, WALLACE of Dexter, WARD of Dedham, WHITE of Washburn, WINSOR of Norway, WOOD of Greene, Senators: BAKER of Sagadahoc, JOHNSON of Lincoln, LANGLEY of Hancock, MILLETT of Cumberland, ROSEN of Hancock, VOLK of Cumberland)

**JOINT RESOLUTION RECOGNIZING THE WEEK OF
MAY 2, 2016 AS TEACHER APPRECIATION WEEK**

WHEREAS, Maine's future depends upon the provision of high-quality education to all students; and

WHEREAS, teachers mold future citizens through guidance and education; and

WHEREAS, teachers are among the most dedicated of public servants in the State; and

WHEREAS, it is important to raise public awareness of the contributions of teachers and to promote greater respect for and understanding of the teaching profession; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of May 2, 2016 as Teacher Appreciation Week and strongly encourage the citizens of the State to recognize the efforts of teachers in educating the children of their communities and to support teachers in their efforts.

READ.

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

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I stand today to honor the teachers of the State of Maine. As a former second grade teacher myself, I truly appreciate the time and dedication

educators commit to our most precious resource: the children of Maine. Whatever venue of education you choose—public, private, or home—teachers have an incredible responsibility to nurture and educate their students. So today I say: Thank you, Maine teachers for the time, resources, and commitment that you dedicate to the students of Maine.

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

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 47)

ORDERED, that Representative Heidi E. Brooks of Lewiston be excused April 7 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Paul Chace of Durham be excused March 31 and April 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthea Elisabeth Larsen Daughtry of Brunswick be excused January 12, February 25 and March 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Kathleen R. J. Dillingham of Oxford be excused April 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused April 4 and 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Martin J. Grohman of Biddeford be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sheldon Mark Hanington of Lincoln be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Erin D. Herbig of Belfast be excused April 5 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Carol A. McElwee of Caribou be excused April 11 for personal reasons.

READ and **PASSED**.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-677)** on Bill "An Act To Authorize a General Fund Bond Issue for Food Processing Infrastructure in Rural Areas of the State"

(H.P. 691) (L.D. 996)

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.

On motion of Representative GIDEON of Freeport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-678)** on Bill "An Act To Authorize a General Fund Bond Issue To Collect Data on and To Monitor Ocean Acidification"

(H.P. 693) (L.D. 998)

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.

On motion of Representative GIDEON of Freeport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-679)** on Bill "An Act To Authorize a General Fund Bond Issue To Upgrade Municipal Culverts at Stream Crossings"

(H.P. 738) (L.D. 1069)

Signed:

Senators:

KATZ of Kennebec

VALENTINO of York

Representatives:

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

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

Signed:

Senator:
HAMPER of Oxford

Representatives:

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

READ.

On motion of Representative GIDEON of Freeport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-675)** on Bill "An Act To Authorize a General Fund Bond Issue for the Land for Maine's Future Fund"

(H.P. 848) (L.D. 1248)

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.

On motion of Representative GIDEON of Freeport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-676)** on Bill "An Act To Authorize a General Fund Bond Issue To Fund Equipment for Career and Technical Education Centers"

(H.P. 1035) (L.D. 1512)

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.

On motion of Representative GIDEON of Freeport, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 722) (L.D. 1053) Bill "An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-680)**

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

The Committee Report was **READ.**

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

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

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

ROLL CALL NO. 636

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, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Crafts, Fecteau, Greenwood, Long, Lyford, McCabe, O'Connor, Reed, Sanderson, Sirocki.

ABSENT - Doore, Farrin, Kinney M, McElwee, Powers, Theriault, Wallace.

Yes, 134; No, 10; Absent, 7; Excused, 0.

134 having voted in the affirmative and 10 voted in the negative, with 7 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (-680)** 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" (-680)** and sent for concurrence.

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

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

(S.P. 699) (L.D. 1694) Bill "An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-534)**

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

The Committee Report was **READ**.

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

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

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

ROLL CALL NO. 637

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland,

Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Crafts, Long, O'Connor, Sanderson.

ABSENT - Campbell R, Doore, Farrin, Kinney M, McElwee, Nadeau, Powers, Theriault, Wallace.

Yes, 138; No, 4; Absent, 9; Excused, 0.

138 having voted in the affirmative and 4 voted in the negative, with 9 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-534)** 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-534)** in 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:

ENACTORS

Acts

An Act To Protect Maine's Natural Resources Jobs by Exempting from Sales Tax Fuel Used in Commercial Farming, Fishing and Forestry

(S.P. 579) (L.D. 1481)

(S. "A" S-529 to C. "A" S-385)

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.

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

Emergency Measure

An Act To Simplify and Expand the Educational Opportunity Tax Credit

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

(C. "A" S-438; S. "A" S-533 to S. "A" S-509)

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

Representative McCABE of Skowhegan **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

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

ROLL CALL NO. 638

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Crafts, Greenwood, Hanington, Hanley, Lockman, Long, Lyford, O'Connor, Sanderson, Sirocki, Timberlake.

ABSENT - Campbell R, Doore, Farrin, McElwee, Powers, Theriault, Wallace.

Yes, 132; No, 12; Absent, 7; Excused, 0.

132 having voted in the affirmative and 12 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.

Acts

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

(H.P. 1037) (L.D. 1514)
(S. "A" S-524 to C. "A" H-593)

An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program

(S.P. 671) (L.D. 1646)
(C. "A" S-531)

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.

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

Emergency Measure

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

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

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

Representative GIDEON of Freeport **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.

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

ROLL CALL NO. 639

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

NAY - Austin, Black, Buckland, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, Nutting, O'Connor, Ordway, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stetkis, Sukeforth, Timberlake, Turner, Vachon, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Doore, Dunphy L, Farrin, Grohman, Jorgensen, McElwee, Powers, Theriault, Wadsworth, Wallace.

Yes, 84; No, 56; Absent, 11; Excused, 0.

84 having voted in the affirmative and 56 voted in the negative, with 11 being absent, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities

(S.P. 699) (L.D. 1694)
(C. "A" S-534)

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

The **SPEAKER**: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I appreciate the opportunity to speak. This is certainly a very important issue. Transportation infrastructure doesn't get the attention it certainly

deserves, but I think as we have seen over the last several years, the condition of our infrastructure has deteriorated significantly and we need to have a conversation as a state about investing in our roads and bridges and our transportation infrastructure in our state.

I think that we've begun an important conversation in our Transportation Committee and I would like to thank the members of my committee on both sides of the aisle for having, beginning, a constructive conversation this year. And while we didn't come to any resolution, this year I'm hopeful in Legislatures in the future we will come to find a predictable and sustainable funding mechanism. In the meantime, this bond is going to do a lot of good over the next couple years to begin to fix some of our roads and bridges. So, I would urge your support on the measure. Thank you.

In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 137 voted in favor of the same and 4 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

COMMUNICATIONS

The Following Communication: (H.C. 536)

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

April 15, 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. 193 An Act To Authorize a General Fund Bond Issue for Bicycle and Pedestrian Projects (BOND ISSUE)
- L.D. 784 An Act To Authorize a Revenue Bond for a Student Loan Reduction Plan
- L.D. 1653 An Act Implementing Pay Increases for Certain Law Enforcement Employees To Aid in Recruitment and Retention (EMERGENCY)

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 987)

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

April 15, 2016
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Appropriations and Financial Affairs on Bill "An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing" (H.P. 646) (L.D. 927), in non-concurrence.

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

READ and **ORDERED PLACED ON FILE**.

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

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

ORDERS

On motion of Representative MARTIN of Eagle Lake, the following Joint Order: (H.P. 1170)

ORDERED, the Senate concurring, that Bill, "An Act To Attract Investment to Loring Commerce Centre," H.P. 1141, L.D. 1670, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and **PASSED**.
Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Nine Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-517)** on Bill "An Act To Establish a Process for Procurement of Renewable Resources"

(S.P. 689) (L.D. 1676)

Signed:
Senators:
WOODSOME of York
HILL of York

Representatives:
DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
RYKERSON of Kittery

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-518)** on same Bill.

Signed:

Representatives:

DUNPHY of Embden

WADSWORTH of Hiram

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representative:

O'CONNOR of Berwick

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-517) AS AMENDED BY SENATE AMENDMENT "B" (S-539)** thereto.

READ.

Representative DION of Portland moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

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

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

Representative **BEAVERS**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker, Ladies and Gentlemen of the House, I will speak very briefly. This bill has been an especially difficult one for all of us on the Energy Committee. I have come down on the side of supporting this motion for three reasons: (1) Because it will literally save tens of thousands of jobs affiliated with the biomass industry in Maine, including loggers, saw mill operators, forest product equipment retailers, leasers, and manufacturers, and many more across the entire state, but especially in our rural counties already suffering great job losses; (2) Because the checks and balances in this bill ensure oversight of the funds by the Public Utility Commission during the two year period of the proposed funding; and (3) Because I look forward to the recommendations of the Commission to Study the Economic, Environmental, and Energy Benefits of the Maine Biomass Industry, the bill we passed earlier this week, which will help to give us a clear direction for this industry. Thank you.

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

Representative **DUNPHY**: Thank you, Mr. Speaker. Mr. Speaker, this has probably been one of the toughest bills that I've had to vote on in my six years here. As you probably know, bailouts and subsidies don't stick well in my craw, so I'm really struggling with this. Does this bill answer our energy needs? Does it deal with the issues? I don't think so. Does it bail out the generators? I really don't care if it bails out the generators.

What I do care about is the fact that the woods industry in Maine is critical. It's critical to all parts of the state. It's critical to our infrastructure. It's who we are. So, I've heard from saw mills, from cutters, from jobbers, not just in my district, but from all across the state—from southern Maine, from western Maine, from eastern Maine, from northern Maine. And they're not asking for a bailout. They're asking for an opportunity to work. They're

asking for a bridge to get them through this transitional time that the State of Maine is experiencing.

I just went on the Independent Systems Operator website and energy costs right now, or a few moments ago when I looked at it, were \$10.34/megawatt. That's insane. I mean, who could possibly have guess, even six months ago? I've heard comments, not in here, but in the other body, that we should've seen this coming. Well, how do you ever predict something like that? It's just crazy.

So, I'm going to be supporting the bill, though it's difficult, and I want it clearly on the record that I'm not supporting the generators, I'm not supporting the business of standalone energy generators, but what I am supporting is my constituents and, truly, their wills, not mine. So, I'm going to be voting "yes" on this and I appreciate all the work and odd hours that the Energy Committee, under the direction of Chairman Dion, that was put into this, a lot of thought. I think we had five amendments before we even saw the bill. So, it was a lot of hard work and I would really suggest that we support this because it's a short-term potential fix for the citizens of Maine. Thank you.

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

Representative **ALLEY**: Thank you, Mr. Speaker, Women and Men of the House, this biomass industry is important to Maine. This is a homegrown, renewable energy. The money and the jobs associated with the biomass stay right here in Maine; they don't go out of state. The industry is in trouble, however. There are six standalone biomass plants in Maine, but two are about to close and the other four are at risk.

With the recent losses we have suffered in logging and papermaking, our forest products industry is in real danger of collapse. If we lose the biomass industry, something has to be done to get the biomass industry through this tough time. This bill will require the PUC to contract with renewable energy generators for a certain amount of state's energy load and would require the PUC to consider in state economic benefits addition to price as the criterion for selection. This will allow biomass generators to compete in the marketplace and allow them to keep their employees and employees of their suppliers—from truckers to loggers to processors—working and supporting the Maine economy.

I'd like to add that these jobs are especially important because they are often in the areas of the state that were hardest hit in the Great Recession and have been slower to recover. If you pass this bill, it shows that you support these jobs and you support energy independence for Maine. Thank you very much, Mr. Speaker.

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

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, my understanding was that the intent was, at least certainly was my intent, to roll call the underlying vote that came down from the other body, which is Committee Amendment "B." So to the extent that we're not in that posture, I would withdraw my motion for a roll call so that we could put this in the proper posture to debate the bill that has come down forward from the other body.

Subsequently, the same Representative **WITHDREW** his **REQUEST** for a roll call.

Subsequently, Report "A" **Ought to Pass as Amended** was **ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-517)** was **READ** by the Clerk.

Senate Amendment "B" (S-539) to **Committee Amendment "A" (S-517)** was **READ** by the Clerk.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "B" (S-539) to Committee Amendment "A" (S-517)**.

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 Gardiner, Representative Grant.

Representative **GRANT**: Thank you Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise in opposition to the present motion to approve LD 1676 as amended by Committee Amendment "A" and Senate Amendment "B." If the bill before us could be amended with language to guarantee that if the jobs that we are trying here to protect with taxpayer money from the state's General Fund are still lost, that the taxpayers would get their money back, I might consider supporting it. If we were talking about taking whatever resources were at our disposal and setting up a fund for all of the displaced workers in our legacy industries, to help them retrain, help them pay their healthcare and mortgages while they do, and help them start small businesses, I would be for that. But the bill before us does not do that.

I admit that I have been distracted these last few weeks, working down in Appropriations on your bills and bonds, and I have been a bit out of the loop in following this bill. Some of our colleagues have been quite emphatic about not spending "new" general funds. I respect that. Imagine my surprise when, coming out of our AFA closet, there is this bipartisan proposal to spend \$13.4 million taxpayer dollars to prop up failing businesses, plus another \$100,000 to the Public Utilities Commission to administer the fund.

We can't spend any more General Fund dollars to treat people with opiate addictions. We can't spend any more General Fund dollars to provide early childhood education. We can't spend any more General Fund dollars to prevent disease or reduce poverty or help our seniors. Yet here we are, on the verge of giving \$13.4 million in state funds—from the budget stabilization fund, no less—to prop up, among others, a \$33 billion hedge fund called Riverstone Energy Holdings, which owns ReEnergy. In their marketing information this hedge fund describes itself as "nimble." I would say that's a pretty apt self-description under these present circumstances.

My favorite philosopher, Anonymous, famously said, "History repeats itself because no one was listening the first time." We are about to repeat some very bad history, Mr. Speaker Pro Tem and colleagues. Let me tell you one short but ugly story from our past efforts to prop up failing industries with taxpayer dollars to save jobs. Two summers ago I stood on top of a huge landfill in Old Town called Juniper Ridge, and felt a little sick to think that we, the taxpayers of Maine, owned this mountain of garbage rotting beneath me. How did this happen, I wondered. As a member of the Environment Committee then, studying our waste stream issues, I dug into that history. It is relevant today and I hope you will follow me here.

In 2003, Georgia Pacific, with 450 employees, shut down their mill in Old Town. Governor Baldacci engineered a complex deal to restart it by having the State of Maine buy Georgia Pacific's Juniper Ridge landfill, also in Old Town, for \$26 million, and Casella Waste Systems—the only bidder—supplied that cash in return for a 30-year lease to operate and profit from that landfill. The one I stood on two years ago, filled with trash that will still be there when our great, great grandchildren are born.

That \$26 million was used to buy a piece of equipment for Georgia Pacific that was supposed to save those 450 jobs. Oh and by the way, General Pacific also thereby shed their liability forever for the waste dump, which you and I, Mr. Speaker and Ladies and Gentlemen of the House, are now the proud owners.

Sadly, and some might say predictably, in 2006, that GP plant still shut down; those 450 jobs still lost. The Old Town mill was acquired by none other than Koch Industries, controlled by billionaires Charles and David Koch, and all those paper machines were sold.

I won't go down the other environmental rat holes this deal got us into. I think I've made my point: History repeats itself if we are not listening the first time. This kind of deal at the last of the session, when we are tired and ready to go home, is the kind of deal that will inevitably come back to bite us, just like Juniper Ridge, and countless other such deals, well-intentioned, to help workers we all desperately want to help, and in the end the deep pockets are the ones who will walk away happy.

I'd rather give the \$13.4 million directly to those workers to help them through this transition while we find better, cleaner, more environmentally sound ways to solve the issues impacting our forest products industry. Despite my respect for the hard work of the EUT Committee and their valiant efforts to save vital jobs, crafting an amended, perhaps better version of the original bill, this is still, Ladies and Gentlemen of the House, bad public policy.

When I stood up there on the top of our mountain of trash, Juniper Ridge Landfill, I wondered how on Earth such a deal could have sounded like a good idea. Now I, too, am in that same kind of spot and I understand what motivated it. I feel that pressure too. I have a different sense of perspective to be sure.

Despite the pressing concern we all in this chamber feel for Maine workers looking at very bleak futures, and the pressure we feel to do something about that, I urge you to defeat this, and let's come back to the table and craft something that truly does what we need it to do: plan for a real future for our forest products industry and truly help the people we are trying to help plan for a better future too. Thank you Mr. Speaker.

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

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, I stand before you as somebody who doesn't believe in a lot of subsidies or a lot of things. I stand before you today knowing that I am going to vote for this and knowing that I am going to vote for this because of the friends that I have in this industry and what it represents. I made a comment in caucus this morning that the other side wasn't there to hear that I said, "You know, our family, we have three chip trucks, a center mount, and a pulp trailer. And I work with these people who cut this wood and do this. And at the end of the day if this bill doesn't pass, me and my family are going to be just fine because I'm going to go continue to raise the apples that we raise, I'm going to still continue to make the cider that we make, I'm going to still continue to make the doughnuts that we make, and we're going to go along fine."

But the guys who would that loads on our trucks tomorrow morning, or the day after, or whenever ReEnergy or any of these other biomass plants shut down, the guy who takes his chainsaw out of his truck in the morning, walks out into the field, is not going to have any place to take their wood to, the byproduct. He's going to cut the log off the tree, he's going to leave the top in the woods like we did 75 years ago, it's going to stay there because there's no home for it, there's no market, there's no place for it to go.

There's nobody in this House, I don't think, other than maybe Representative Crafts from Lisbon who beats me up every day and tells me that I like to spend money, that doesn't want to spend money any more than I do. There's nobody that's probably preached up and down these halls that has said the money needs to go to the stabilization fund. I believe there

probably may be a different way that we could get the money from, but nobody's come up with it at the moment. If I could find a better way, if I could find a better way to fund this project and to do this and to protect these men and women all over rural Maine, all over rural Maine, I would do it. I don't know how to fix this and I don't know if two years is a cure, but I know that it gives two years of life and a chance for us to visit this, to see if we might make it better.

I know that we're not passing the cost on to the ratepayers. I won't say that I'm not passing the cost on to the taxpayers, because it is taxpayers' money that we would be paying for this. But I believe, from the bottom of my heart, that this is the right thing to do and I'm not doing this for me, I'm doing it for all those guys who got their chainsaw who are going to have nothing to do with their wood when this is done. We're going to cut the logs off, leave the tops in, create a chance for more forest fires and more things to happen, be harder on the environment, and that's my opinion. I please hope you join me, but I respect you if you don't. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. There is not enough lipstick in Maine to make this bill pretty and the problem it seeks to address, rescuing our six remaining biomass plants from their eminent passage and perhaps keeping our loggers working, will very likely not come to fruition through this bill.

I want to help our loggers and their families weather this storm and I offered a proposal that will do so and hopefully create anchor tenants for the wood products industry in Maine in the form of 80 percent efficient wood chip burners and other innovation through Efficiency Maine Trust. That won't do it all. Biomass needs to evolve if it's to remain viable. The only way to do that is through co-generation. In its current form it is inefficient, and not to mention dirty, and this bill does nothing to change that—I repeat: nothing.

Please consider also that since 1995, biomass plants have received more than \$2.6 billion from Maine electric ratepayers, selling power for as much as 12.3 cents/kwh when wholesale markets were under five cents. Of the \$2.6 billion, \$2 billion was at above market rates, which means that Maine electric ratepayers were paying \$2 billion more for energy than the wholesale market price from 1995-2015.

Biomass, unfortunately, at this time cannot compete in today's energy market and it will likely not be able to compete two years out or five years out. The cost is expensive and the industry will continue to falter with natural gas and oil projected to stay low the next five years out. That is good for the overall economy, but bad for biomass.

The carrot that has been dangled by JD Irving of \$100 million investment is not likely to go forward either. That investment counts on overseas pellet markets. That market right now is very well supplied and again with projections five years out for low prices on natural gas and oil, it will make it difficult for Irving to lock in on those markets. Perhaps that is why they want to use our taxpayer money instead of their own and also why ReEnergy that is backed by Riverstone Holdings, a \$33 billion investment firm, won't risk any more of their own money.

This bill as penned takes \$13.4 million from all of the Maine taxpayers. Instead of investing in home health care, our disabled, our state troopers, our jails and a myriad of other prudent expenditures this bill directs money to two major corporations: ReEnergy and one of the largest land owners in Maine, Irving. It will do nothing for Covanta. In fact, they wrote in

a recent letter that this legislation seems to be written to help one plant, Ashland, the same plant that ReEnergy and Irving are trying to strike a deal with. This bill is throwing good money after bad and is nothing more than corporate welfare and I urge you to follow my light and vote "no." I try to be an optimist, but in this case I'm a realist. Thank you, Mr. Speaker.

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, one of the advantages of not being the first to speak is that almost everything I was going to say has been said, so I will restrict just to the final comment that has not been mentioned, which is: historically, the forest products industry has been in decline, in terms of jobs, for about 70 years, especially over the last 30 years. There's nothing that we can do, as a Legislature, in a few years, to reverse the 70-year long trend.

Certainly, we cannot save the biomass electric industry from its eventual demise, especially because the current cost of generating electricity by biomass exceeds the current wholesale cost. And the industry acknowledges that it cannot be financially viable unless the price of electricity goes way up. And that, some people say, might happen if fossil fuel prices go way up, but the industry itself is dependent upon the fossil fuels for the harvesting and transporting and processing of the woods so that the biomass energy price would go up if the fossil fuel energy goes up. In other words, it's never going to make it.

If the bill before us provided job training for displaced workers, to give them skills needed to work in our growth industries, I'd be encouraged to support it. \$13 million, roughly, would provide training for many hundreds of workers—a good investment for our state's economy, especially our rural economy. However, I cannot support putting public monies toward an industry in its death throes. To summarize, let's put our help toward the workers, not toward a dying industry. I'll be voting against the pending motion. 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, Ladies and Gentlemen of the House, as the speaker just said, I also support the workers, whether union and nonunion across this great State of Maine. But I'm very much against corporate welfare. One of these companies is, not a million, but a billion dollar outfit. The largest landowner in the State of Maine is a Canadian company and a family that has more wealth than most families across this whole world.

I know that we have unemployment insurance to take care of workers when they lose their job, so they can go there, the workers can. And as far as welfare's concerned, if push gets to shove, hopefully they can get some help there. But I cannot stand here and support on the backs of the taxpayers and ratepayers across this great State of Maine, which include poor people, disabled people, and elderly people. We can't save the world, like we try to do here in the State of Maine, but we try. But the bottom line is, an end has to come to all things and I believe that the end has come for the biomass industry. And as the speakers have said, let's see what we can do for the workers besides unemployment and besides welfare, if there's anything we can do for them.

We also spent millions and millions and millions of dollars a couple of years ago to sure up business in the State of Maine. The money wound up down in Louisiana and nobody in this chamber or the chamber down the hall or the administration wants to get that money back if it's possible. They all turned their back and walked away and the taxpayers, once again, suffered in

this state and I don't want to be a part of any more of it. Thank you, Mr. Speaker.

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

Representative **GILBERT**: Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise in support of the pending motion and jobs in rural Maine. The Maine forest products industry is hurting and for western Maine the results have been devastating. There are two biomass plants that I'm familiar with—one in Livermore Falls in my district and one in Stratton, where I have a camp. These plants provide good jobs. I'm not sure how many there are in Stratton, but there are 70 jobs in the Livermore Falls plant and they are critical to the local economy.

Not only do biomass plants themselves provide jobs, but the plants perform a vital function to other segments of the forest products industry. PalletOne, also in my district, is the largest pallet maker east of the Mississippi and employs 165 people in Livermore Falls, and that plant is growing. It sends all of its waste to these biomass plants. A sawmill produces large quantities of biomass that needs to be dealt with on a daily basis and I've been told by the company that if they cannot sell their bark and sawdust to the biomass industry, they will be on the verge of having to shut down.

The same is true for the remaining wood turning mills in the area. We used to have about 12 to 15. We're down to about two now. These mills have suffered greatly in recent years with hundreds of layoffs and the remaining plants are really on the edge. Anything that raises their cost or makes doing business more difficult could have serious results. Ladies and Gentlemen, the forest products industry is the keystone that supports the economy of much of rural Maine. It has suffered enough.

The removal of the biomass industry could really be devastating. We have the means to help this industry, this important industry now, and I encourage you to vote with me to do just that. Please support a real jobs bill for rural Maine. Support the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the only reason I'm standing is because I have some other points that haven't been made yet. This bill would give \$13 million to Riverstone Energy Holdings, a \$33 billion hedge fund, which owns Maine's four active biomass plants. They do not need corporate welfare from Maine taxpayers. Even if we give them this taxpayer money, there is a good chance they'll close their biomass plants anyway, according to an article in the *Portland Press Herald*. I urge my fellow House members to examine this and many of the other articles to show the problems with giving away taxpayer money to this enormous hedge fund.

Maine has been giving the people's money to the biomass industry for decades and the industry still wants more. According to Central Maine Power, ratepayers have already subsidized Maine's inefficient biomass plants, which can't compete with modern sources of electricity to the tune of \$2 billion since 1995. Maine people should not give these big polluters any more money. Standalone biomass electricity generation—the kind of generation at Maine biomass plants—is the worst way to use wood for energy. It uses wood to generate steam to drive a turbine, a process that is only about 20 percent efficient. That means only 20 percent of the energy in the wood becomes electricity and the rest is lost to the environment as heat. That is extremely wasteful.

Maine should be using wood for heating our homes, schools, hospitals, and other buildings, not for generating electricity in

inefficient biomass electric plants. Biomass heating can be 80 percent efficient, about four times as efficient as electricity generation at Maine's biomass plants. The same energy wood that goes into biomass plants could be used in highly efficient boilers to heat buildings. That is where Maine's focus should be. Vermont heats 30 percent of its schools with wood. Maine should do the same, or better, if we didn't use so much energy wood in efficient standalone electricity plants.

Because Maine's biomass electricity plants are so inefficient, they will actually accelerate climate change. They emit more CO2 per unit of energy than coal plants, and it takes many decades for trees to regrow and recapture that CO2. We need to lower CO2 emissions now. Using wood for heat and displacing heating oil reduces overall climate changing emissions in a timeframe that can help combat climate change, rather than contribute to it. Even in Maine, woody biomass is a limited resource. In fact, Americans use nearly twice as much energy every year as all the green plants in the US can photosynthesize in a year. That means we have to focus on using wood energy efficiently, not wastefully.

Maine's biomass plants are wasteful and inefficient. If we want long-term jobs in the forest industry and efficient, environmentally beneficial wood energy, we need to focus on wood heating. We should provide incentives to increase the use of efficient wood heat in our buildings, as we also winterize and improve the environmental performance of those buildings. According to the Biomass Energy Resource Center in Vermont, the most energy efficient use for biomass in general is thermal energy at the community scale, where local wood resources are produced to provide local energy, fueling the local economy. Directing biomass into appropriately scaled applications, such as heat for schools, hospitals, office buildings, college campuses, and district heating systems is essential for creating a wood energy economy that is flexible and resilient over time.

I believe that Maine needs to move in this direction now for our environment and for our forest products industry. We should not continue to waste our citizens' money on outdated, inefficient, standalone biomass plants owned by enormous hedge funds. I urge you to follow my light and vote against this bill. Thank you, Mr. Speaker.

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, this was not a bill that I thought about speaking on behalf today. This has been an agonizing bill for the Energy Committee because we're faced with the issue about the impact on the lives of people who work in the forest products industry. I live in Dover-Foxcroft, southern Piscataquis County. We're a center of wood harvesting and what we have is the dilemma before us, that we have two plants that are closed—two—or will be shortly. One in Jonesboro or Washington and Hancock County and the region as a whole, one in West Enfield, serves Piscataquis County, Penobscot county, part of Washington County as well.

The question I asked Covanta, who owns those two plants, "How much money will it take? How much money will it take to reopen those plants?" And the answer, initially, was, "Well, we're not quite sure." And then there's been variations of it, but as this dialogue has continued before our Energy Committee, I repeatedly have asked them on a number of occasions, "Will you open those plants? What will it take?" Because if they don't open those plants, we really have no place, no place other than hauling it to Aroostook County or western Maine. We have no other alternatives. 125-140 miles one way—that's not cost-effective. Only the most essential product that we need to move

from our sawmills will be transported. Jobs will be lost because those plants don't open. And yet, still today, with this pending legislation, we have no commitment from Covanta that they will bid into this program and access these funds.

If you read the bill, you'll find a clause in it that says you must be operational 90 days at 50 percent capacity. Six months. The reason that I kept promoting that is, could we create a situation where we would get a company that would say, "Okay. Maybe we're going to operate for a loss on the short term because there's a long term gain." And yet today, we have no assurances, no indications from Covanta, that those plants are going to open in my region and in Washington County.

So, the question you can imagine I'm asking myself, "Why would I support a bill that's not going to help anybody where I live in the middle of the forest products industry?" And I have to tell you, I've struggled over and over and over with that because these people are my friends, they're family, they're neighbors, and I know what it means if we can't rescue this operation where we live and other rural communities. Unfortunately, I don't see how this bill is going to accomplish that goal. So, it's really with a heavy heart today that I'll be voting "no." Thank you.

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

Representative **ROTUNDO**: Thank you, Mr. Speaker Pro Tem, Men and Women of the House, I want to speak to the source of funding for this bill. I've heard throughout the session that we cannot touch any money in the Rainy Day Fund and that all of our surplus had to go into the fund to ensure strong credit rating for the state and to protect ourselves from an uncertain economic future. But now there's a proposal before us to fund this bill by taking money that should flow at the end of the fiscal year into the Rainy Day Fund, money that would increase the amount of money in that fund. I've witnessed all sorts of contortions this past session, made to give the illusion and appearance of not spending new money, when in fact, we are. This is another example of smoke and mirrors. Thank you, Mr. Speaker Pro Tem.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I hope you have been listening to this discussion. On both sides of the aisles, we have heard one red flag after another—one red flag after another as to why this proposal is doomed. Not because we do not care for the people who will be affected; of course we do. It is a tragic situation, but it is not the first time that a traditional industry in Maine has, as a result of market forces and being unable to keep up with technological changes, has gone under. We've seen it with the shoe industry, we've seen it with the textile industry, we saw it with the ground fishery industry, and so on and so forth. We cannot save this industry with a short gap infusion of public money. If we ignore all these red flags that have been described at length today, we do so at our peril. 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, my father was a paper mill worker, my grandfather was a river running log driver. I have his 20-foot pick pole on my living room wall. If I had any thought that this bill would help our logging industry, I would vote for it in a minute.

I voted for the state to take over the landfill for the Millinocket Paper Mill in the vain hope that it would do something to save our paper workers jobs. I have regretted that vote ever since. It did not save the mill and Maine taxpayers were left paying the bill. I

will not repeat that mistake today. Sadly, I will be voting against the pending measure.

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

Representative **DUCHESNE**: Thank you, Mr. Speaker and Men and Women of the House, this is when I really wish we had dynamic fiscal notes because we talk about this \$13 million bail out as if that's a zero sum game, but the reality is if an entire industry, a core industry in the State of Maine, begins to plummet, the revenue from the tax revenue also disappears. We don't have that dynamic fiscal note and that's too bad.

Speaking about other bailouts we've done before, I think some of those are regrettable. I don't think anyone in this building knows more about the Juniper Ridge Landfill than I do, and this is not that deal. It's also not the deal that happened in Millinocket about that landfill. We're really talking about two different things. In this case, this is not a handout to wealthy corporations; they're buying a product. Or, we're buying a product. We're buying electricity. You don't get paid unless you make that product and this is no windfall. They're making just enough to keep going. That's about it.

I want to push back on the idea that forest products is a dying industry. It's an industry in transition. Some of the paper we don't make anymore. A lot of that market has gone away. But saw logs are actually doing pretty well. Tissue's doing well enough that the Chinese came into the state and invested here. So, we are in transition, no question about it. But it's not dying, necessarily.

The problem is, if you can't sell the low value part of a tree, it's not economically worth cutting it down. So, you also threaten the high value—the saw logs for instance—if you can't get rid of the low value. That's the issue. Nobody harvests half a tree. So, as a result, we have a threat of dissolving some of our better industries, the ones that are doing well in the forest products industry, by not at least doing something to address this. Remember, we are in competition with other states.

Other states are facing the same perfect storm that Maine is. They are doing things to protect their industry as well, because we're all kind of in the same boat, and here is the perfect storm. We have historically low energy prices. We have renewable energy credits that did exist in Massachusetts and Connecticut that suddenly went away. At the same time that some of our obsolete mills have started to close and that forced closure of biomass boilers. And you have the plummeting Canadian dollar. All of these things happening at once.

Now, the forest products industry, loggers in particular, have survived this kind of crisis before. We've had mills come, we've had mills go. We didn't use to have biomass. There was always ways of these loggers getting by. But, when all this happens at once, we have a gap to bridge. It's probably a short term gap. I'm going to argue it may be. Two years is about right. But if we don't bridge it, they go away. You have to do an awful lot of debt service on a half a million dollar harvester in order to survive. If you can't do it, you don't exist. And we face that all across the state now.

Retraining. For what? We're talking about Stratton. We're talking about Ashland. It's not like there's a lot of jobs to retrain for. There are no industries moving there. Without our legacy, place-based industries, there is nothing to retrain for. So, I'd like to put that notion aside.

Over the summer, I went out with some loggers and I learned a new skill. And this is what frightens me more than anything else. I always thought logging trucks looked alike. I always looked at the trucks trying to figure out where that wood was going, because you pass trucks doing this, going in two different

directions. And, I went out with some loggers and I learned how to identify what's hard wood, what's soft wood, what's cut to length, what's going to be saw logs versus pulp. I can now watch those trucks move and watch the economy disappear on me. I see wood that moved a year ago that I do not see move now. I see fewer trucks. When you live above Bangor, you can watch an entire economic part of your economy die right before your very eyes. So, Mr. Speaker, we're in free fall here. Pull the rip cord. Vote "yes."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I concur with my colleague from Hudson and as a matter of fact, the way I look at this thing, it's not so much a biomass bill and biomass generation, because people have very adeptly pointed out some of the flaws in the current uses of biomass, the way it's being handled. I would title the thing, "The Forest Products Transition Bill," for some of the exact same reasons that the good Representative noted.

To give you an example, of the ripple effect, in the town where I live the Town of Guilford, there's a company called Hardwood Products Company. They're tremendously successful, a growing company, because they diversified and they've gone into plastics and applications that are on the cutting edge technologically worldwide. But they began as a toothpick factory back in the '30's when they moved here from Michigan for the raw product that the State of Maine had, which was white birch. They couldn't find the quality of white birch and the magnitude of white birch that they could find in the Piscataquis Valley area and the north Maine woods.

They haven't given me an indication that it will be problematic, but I know darn well that most people don't—that are in the logging industry—don't wake up in the morning and say, "I'm, going to go off into the forest and find a whole bunch of 10-22 inch straight, white birch" all in one section and cut those down and take those in and make a bundle of money at Hardwood Products. It's a residual product. As they cut their soft wood and fir and pulp and biomass, they then bring a load of white birch into Guilford and it's made into all kinds of wooden applications that, if you've ever been into the doctor's office and they made you uncomfortable, they were probably using something from Hardwood Products to make you go gag on.

Those are excellent, excellent jobs and I'm sure my story is just one. There are many, many, many other second and third and fourth residual jobs. So, I don't look at it as much as the large corporation biomass piece. I have the same heartburn that many of you have in that area. But I look at it as a transition piece because these forest people are actively working at reinventing themselves. They are attempting to help themselves, as we find new markets, new uses for softwood fiber. And we have some of the best fiber on the planet, from what I'm told and it's a matter of this group, Congress, changing policies so that we can better utilize that fiber within the State of Maine in some value added methodologies that we currently have gotten away from.

So, I'll be supporting the bill. I do understand folks that are not going to support the bill and the reasoning behind it, but I wish you would give those ideas some thought as you decide. Thank you.

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

Representative **HANINGTON**: Thank you, Mr. Speaker, what can I say this afternoon? I kindly agree with everyone in the chamber, but for someone that has lived it, I started working in the woods in the summer of '76 for my father. There was a point

in time when we had 148 employees cutting for near 300,000 cord of wood a year. And when the biomass mill opened up in West Enfield, I personally was one of the first three loads between HC Haynes, Thompson Trucking and myself, through my father put this first three load of biomass in. So if there's anyone that knows the industry any better, it's probably me here.

I have a lengthy testimony written out. But, Mr. Speaker, Ladies and Gentlemen of the House, last year we supported by bipartisan effort, Put Maine to Work. If you remember that, Speaker Eves was a driving force with the PLC to get that funded. And if we let the Paper Products Industry, especially the forest products industry, fall on its face, what good is it going to do to train these young folks in the tech schools for an industry that might not even be there to hire them? And, just going back a while ago, we had bipartisan effort and we passed a fuel tax exemption. And I heard it said that, "Well, we need the \$10 million funding to make sure that this is a viable effort." I can tell you right now the forest industry is a \$9 billion industry. Biomass is \$150 million.

I called my brother up a couple days ago and I said, "Steve," I said, "Give me some words of wisdom." He said, "I'll tell you right now, Sheldon," he said, "every good business man looks for the return on the investment." So if we need to spend \$6.7 million to keep \$150 million industry viable, it's a no brainer. If we do nothing and let this industry fall flat on its face in two years, 350 jobs alone would mean \$7.6 million in unemployment costs per year.

Not only that, look what it'd do to our local municipal budgets. My brother spends \$30,000-plus a year just in the Town of Macwahoc in personal property taxes. What does WT Gardner? What does Bryan Sowers? What does J. Paul Levesque, well not J. Paul Levesque, but Pelletier Brothers in Millinocket? What does, I could go on and on and on with Brian Bouchard, HO Bouchard. Would these great men sit back and do nothing? No. We always diversify. And I hear it said in the House today that we need alternatives. I can tell you right now, within two years' time, if my brother goes out of business, there's not going to be a next generation to pull themselves up and reinvest and try to do something into the forest products industry.

So, you know, I'm just rambling, but you know, he was hoping to get to sixty years in two years—the anniversary of Hanington Brothers. He's 54 years old, but I can tell you right now, if he doesn't have a chance to get rid of that low grade market in the biomass, he's going to shut the doors. Seventy-eight people affected. And if you go, just in the Town of Lincoln, in a 40-mile radius, I was talking to the good Representative Stanley earlier about it, it'd be safe to say that we have lost 1,000-1,200 people, not only in the paper industry, but the logging industry. What does that do to, I mean, the municipal budgets, to the tax rows coming in here?

So, you know, to me, I just can't sit by and do nothing. I don't have any vested interest in the logging industry anymore financially, but I just can't sit by and not do nothing because there's a lot of people that's going to be hurting and I do not want to try to stand up here on a soap box and get someone to vote with me. But I'm going to say right now, if we do nothing today, you mark my word, there's not going to be a logging industry like we know it today. And we're on the verge, within the next 12-24 months, losing two more paper mills. The policies that should've been happening 10 years ago to change the energy costs, to change the corporate income tax structure to draw people into the state—we're never proactive enough to do the right thing. Thank you, Mr. Speaker.

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, I rise in support of the pending motion. Mr. Speaker, many people believe that this is a northern Maine and an eastern Maine problem. I can assure you that it is a southern Maine problem too. My district is just 30 miles west of Portland and I have 22 logging companies in my five towns. Much of that biomass harvested ends up at the Westbrook Mill.

Mr. Speaker, the towns in southern Maine yield the best white pine saw logs in the state. And after harvesting those logs, we have pulp and biomass that are vital for our state's economy, as well as southern Maine's economy. Thank you.

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

Representative **BEAVERS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to clarify a few of the things that I heard said, and one is the Rainy Day Fund is for economic emergencies, and I consider this an economic emergency. The money will not be spent if it's not applied for and if they don't meet the criteria set up by the PUC. That's a pretty good insurance policy on that money. And the money does not go to some out of state, out of country, holding company. It only goes to the companies here in Maine. Thank you.

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

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I arrived here this morning, pretty much convinced that I was not going to support this bill because I thought it was a corporate bailout. But during our recess, I spent some time over in the other body and listened to a very heartfelt debate that provided a lot of information that I was misinformed about.

One of the things that I did learn was a paper from the National Association of University Forest Resources Program. And one thing that was talked about was the environmental issues. And one of their findings, it says, "The carbon benefits of sustainable forest biomass energies are well-established. The long-term benefits of forest biomass energies are well-established in science literature. As stated in the fourth assessment report of the intergovernmental panel on climate change." And it quoted, "In the long-term, a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fiber, or energy from the forest, will generate a larger sustained mitigation benefit."

And I learned that most of the wood that goes into these biomass facilities are the products that aren't going to be used anywhere else, but it does maintain a healthy forest. As was stated before, when trees are cut down, if you're not going to use the bad parts of it, you have to cut them off and leave them in there and that creates a bad forest and not a healthy forest. And our forests are the best in the country and I think that this may benefit those.

One of the other things that I've been told was that these facilities are pollutants and I was interested to find out that all of ReEnergy's biomass facilities are compliant with the stringent air licensing standards by the US EPA. And, in fact, the Stratton facility was chosen by the EPA as one of the cleanest operating

biomass energy production units in the US. So, that was a little bit of misinformation that I was making me decision on.

And then, finally, I was thinking, "Well, you know, if we prop up these plants, you know, we're going to be putting money to buy very expensive energy." And, in fact, in reading the amendment that we have here, one of the parts of the amendment it puts in here, No. 3, says, "It provides that the Public Utilities Commission concludes that if a solicitation is not competitive, that no bidders will be selected. So that if they can't come in with a competitive bid, then they don't spend the money. So, I think that's a pretty good assurance that the money will be well invested.

But finally, you know, I hear all this talk. I'm from southern Maine. I have not ridden on a logging truck. I haven't been on a logging truck. And if I take out my chainsaw, my wife scolds me. But, I do know the benefits of what the northern Maine gives to the southern Maine and what southern Maine gives to the northern Maine. And I finally realized that, you know, we are in this all together, and if southern Maine were in trouble, northern Maine would come to help us. And now that northern Maine and the northern Maine woods products in trouble, I think the rest of the State of Maine needs to come and help them.

And I do hope that in the next two years, that they will find a way to sustain themselves. I've heard the saying that they can go on unemployment welfare. These people will not go on unemployment and welfare. These are hardworking people who want to just earn a living and they need help right now because a tsunami, as was mentioned, has come at them. Something they couldn't predict, something we couldn't predict. And I think that this investment in their industry, in their business, it gives them the opportunity to make themselves viable again. It's something that I think is worthwhile. And while I came this morning thinking that I could not support this, my heart feels now that it's the right thing to do. Thank you, Mr. Speaker.

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

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

The SPEAKER: The Representative may pose his question.

Representative **JORGENSEN**: Well, I guess I agree with all the arguments about the demise of this industry being a statewide thing. I understand that the effects of this would reach Portland and beyond. I understand that if you can't sell the low value part of the wood, you can't make money on the high value parts. I think that's an important point.

But what I really don't understand, and I haven't heard adequately explained from my perspective, is how we're going to be in a different place in two years. We hear hopes that we'll be in a better place and I, you know, I'm not a person who is necessarily opposed to this bill, but I'm skeptical that there's any kind of a plan to get us somewhere other than where we are right now in two years, and I'd just love to hear from some of the people who've been working on this about how we'll get out of this cycle. Thank you very much, Mr. Speaker.

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

Representative **McCABE**: Thank you, Mr. Speaker, in regards to the question asked, I would respond that we are at a crossroads. We are at a crossroads for our entire forest products industry. We are in the process right now of actually looking in another bill at biomass and the opportunities that biomass provides for the State of Maine. We are also in the process, we're in the process of trying to establish a commission to look at

our entire forest products industry. This is a commission that would look at current markets, future markets, it would look to predictability, and it would also help us plan—plan beyond a year from now, plan beyond two years from now, five, ten, fifteen, twenty, and really look at what other places are doing around the world, what other states are doing to really provide for the future of the forest products industry. So, that's how I would answer that question.

For me, I rise today with a different perspective. I rise today, I have a degree in environmental education. Every once in a while I read about that in a letter in the paper, I see it on a mailer. It's like, what could that McCabe guy really know about some of these traditional industries? I'm also somebody that if you were to drive by my home to see my car or read my scorecard votes, you'd think, "This guy is pretty green. He's an environmentalist."

But I will tell folks that what I learned many years ago was to really look at the true stewards of the land, whether it's the folks that are cutting our forest products, our farmers, our fishermen, who are really the true conservationists in the state. It's no secret to many people in this chamber that I make my livelihood based on a working landscape, a working landscape that provides recreational access, in many cases on private property, for small businesses. So, I've heard a little bit of talk today about small businesses around the State of Maine. There's many small businesses that have joined us here today. They're in the forest products industry. They're small businesses that pay taxes. When they go to our town office and they register that pickup truck with that diesel tank in the back, they pay a whole lot more for excise tax than I do when I register my Ford Focus, Mr. Speaker. When I drive up to the transfer station on the other end of my town and I see log truck after log truck parked at our industrial park, I realize the direct impact to taxes in our town.

Mr. Speaker, when I knocked doors in Madison, Maine a couple weeks ago to talk to citizens in that town, I ran into senior citizens trying to figure out what would happen with their taxes when the mill shuts down for good. While walking street-to-street, Mr. Speaker, the people that I saw whose lawns looked good already, whose houses were in good shape and actually had people living in them and were not vacant, in many cases, Mr. Speaker, were pickup trucks with a diesel tank in the back or a log truck parked in the yard.

So, Mr. Speaker, today I'll cast this vote. I will support this measure. For me, I look at this as a bridge. I really look at this as a bridge to protect an industry that's vital to the economy of our entire state. I think if you look at the map and a breakdown of the State of Maine, you will see that this is a bill that supports activities that exist in all of the rim counties. This isn't a northern Maine and a southern Maine issue. This is a western Maine, a central Maine, a northern Maine issue. This is really about the vitality of our State of Maine.

We can work to define what the future of this industry is if we can join together, Mr. Speaker. You have started us on that path and we can do it in a bipartisan manner. I have to think, Mr. Speaker, representing the good people of Skowhegan and people in East Madison, that our state is truly at the crossroads of an industry and its future. It's clear to me, I truly live on the crossroads of 201 and Route 2, and I see an industry that is struggling to survive, but I see a great deal of potential. I have to think, time and time again, about my neighbors, my friends, and my family and I also think of the children in the schools whose parents work in this industry and provide taxes to fund those schools, to build our roads, and to make Skowhegan a great place to live, Mr. Speaker.

I also step back and it worries me and pains me to think about what would happen if we lose what is a working landscape, a

working landscape that allows me to bring people on rivers, on hikes, and on private property to charge people money to experience Maine. We talk a lot about sense of place here in the State of Maine, we talk about our identity, we talk about the Maine brand, and that's what I'll vote for today. I'll vote to protect that Maine brand. I'll vote to make sure that I have access to working landscapes so that I can continue my livelihood. And I'll vote for my friends and neighbors to make sure there is a future for their children here in the State of Maine. Thank you, Mr. Speaker.

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

Representative **MARTIN**: Thank you, Mr. Speaker. Thinking about this legislation today brought some thoughts back to where we were a number of years ago. And some twenty years ago, some of us tried to get the state to take a look at what was happening to the paper mills in Maine, to start looking at another way of taxing the industry. We went to southern parts of the country—Mississippi and Alabama—and took at the way in which they're dealing with the paper mills. Came back with a proposal to basically deal with a restructuring method of a way in which we were going to tax the industry.

We could not get that enacted by this Legislature. And you saw the result of what has happened over the years to the industry. We brought it on ourselves. Now we are in a situation where we have another part of the industry that is now facing the same thing. When I go home and drive Route 11, nine of every 10 vehicle will deal with something in the paper industry. That's where we are. I know that some people in this state would like northern Maine to be their playground and they have no interest in helping us with what we face, because they look at it as a place where they can go enjoy themselves and go back home and make money. We haven't got that ability. What we have is our natural resources.

We're not going to be creating an industrial mass. So we have what we have there. We can't import it from another state. When I became a member of this Legislature, we were 16 House Members from Aroostook; population of 106,000. Today, there are eight Members of this House from Aroostook with a population of about 65,000. And part of that has been caused by this Legislature.

And I want to point out something that really bothers me when I hear some people speak today. And I think of the things we have done as a Legislature to help people in other parts of the state. I remember well when we were able to save Hussey in the Berwicks from collapsing. I remember well when we saved BIW in Bath by actions that this Legislature took. And I can go on because I was here for many of them. And we participated in working together to finding a solution.

Now, am I happy with this piece of legislations before us? I am not. It's not what I would've drafted, but it's what we have before us. And what we have before us an ability for two years. And people would say, "Oh, Old Town was a disaster." Well you know what? It wasn't. Because during those two years, we were able to bring people back to work. It was a bridge to where we are today. Granted, that mill is closed, but over that period of time, people were able to find other jobs and able—a lot of them—to survive. It didn't save the mill, nor were we able to save Lincoln, nor are we able to save other mills as we proceed down the line. But I am still convinced today that we need to solve the issue of taxation and the way in which reimbursements are made to municipalities. Where those mills are located are the forms of large enterprises.

There are other people who come from areas where it's not a problem. But there are things that we have to make happen.

This is not the solution, but it is a stopgap for two years. Do I like the way it was funded? I do not—maybe because I didn't write it. But that's not the point. The point is, it is what we have before us today. And so, for those of you who are from southern Maine, it is fair to say that we need your help. And I hope that we find it today. It is temporary, but we need to have the time.

Keep in mind that this year, as the Representative of Hudson pointed out earlier today, it's been a perfect storm: the Canadian dollar, the price of oil going down. All those things have come at the same time. If the price of oil were up, wouldn't be a problem today. The Canadian dollar were \$1.20, rather than \$.80, guess what? Wouldn't be a problem. But now we're hit with all of that. And somehow, we need the time. And hopefully we can find it. But if we don't, this industry will fall and the population of Aroostook County will drop 20,000 more, and then we'll have less Representatives than the City of Portland.

That's what's happening to us and it's not a pretty picture. My home town once had 3,000 people living in that community. We're down to less than 1,000. The last population, only two towns in Aroostook County, from the last census scan population. Ironically, one was a plantation of New Canada by two, and my home town by 35, as I recall. Every other town in Aroostook County has dropped and that, in part, is based on state policy, which this Legislature is responsible for. And I hope today that you don't put another nail in the coffin.

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

Representative **HANINGTON**: I apologize, Mr. Speaker, for rising twice. Ladies and Gentlemen of the House, I just wanted to make a point. Forty-plus years ago, we had a spruce bud worm epidemic that annihilated 40 percent of the state. And it took us 30 years to rebound from that. And one of the tools that we have in the toolbox in the forest product industry to do good, sound, silviculture work, is this biomass. And, if we don't take out the low grade and do what we need to do as good stewards, because we're probably the greenest people on the planet, us loggers. And if we don't do sound fiscal management when it comes to these land practices, when this spruce bud worm comes back around within next 5-10 years, and they can infestate on the low grade that we neglect to take out of the forest. Do we want to risk the chance of wiping out another 40 percent of Maine's forest products? Thank you.

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

Representative **STANLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, two issues here, two important issues. One are the jobs and the life of the people after they lose a job. And I'll tell you what, that's not a very pleasant experience. But the other issue is the opportunity here. That opportunity is what these biomass facilities produce, and that is electricity. And electricity is something that's very important to a lot of businesses, from the northern part of the state to the southern part of the state.

The other thing that we have, these biomass plants are located in rural areas. And by being located in rural areas, there's a chance to have opportunity to produce low-cost electricity to businesses if we change from the things that we're doing. And we're given a couple years of time to work through some of these bugs that we're going to have to work through to do some of these things, is an opportunity for the rural parts of this state to create some jobs. And like the good Representative from Eagle Lake talked about: yeah, population is leaving. Why? No jobs. And look where I come from; we've lost 1,100 jobs.

And then, if it keeps going the way it's going, we're going to lose a few more because of these places are in the pulp

businesses now, paper business, wood cutting business. And I'll tell you, Millinocket used to be a population in the whole region, probably 10,000 people. We're down to probably 4,400 now in the whole region. And there's a loss of money that these people are making. When people are all making \$40,000, \$50,000 a year, they were spending it. And they were spending it locally. They're spending it in Bangor and other places, Portland, and everywhere they've wanted to go on vacation or go for a night out to supper and a movie or whatever.

But the thing that we're missing here though, people, is people have lost their jobs. They don't really want to move from where they are, and we are not providing opportunities for people to stay in a region where they want to live. And we have the opportunity here, with the biomass, of producing electricity. Something that I've heard since I walked through the door here is the cost of electricity of doing business in this state. Here we are, we deregulated back around 2000 and the Big Three got out of the power-producing business and went in the T&D business. And now, almost 20—well, 15 years later, we're talking about putting a line in, re-doing our lines for \$400 million that the ratepayer has to pay for.

We put a line down from the County down through that we, the ratepayers, paid seven percent for. So, the cost of doing business is pretty expensive. If we could produce electricity and allow coal generation and steam to heat some of these facilities off from these plants—I know it's cost and investment and the people that operate these plants—but the thing is, we as a state should have a plan in place to take advantage of a situation that we could have by the electricity that is being produced here locally. Because I'll tell you what, you live in the rural parts of this state, the T and the D is a big expense. And if you're a businesses, it's even higher because you use more electricity to pay an even higher rate. And then we have the stranded costs.

So what we have to do here is really take a look at our policy and adapt it to a policy that we can take advantage of what we have and that advantage is these biomass plants, because they do produce electricity. And I know they send it out of state as renewable and I think that's another subject we should be talking about too, but that's beside the point.

But what I first really want to say is: jobs. Think about the jobs. Think about the opportunity that you could have when a biomass plant producing electricity and also at the same time be able to produce jobs locally, because they used the electricity that's being sold somewhere else. Because I'll tell you, jobs is what the name of the game is here, and if we don't get those jobs to the northern part of this state, then we're going to lose everything. And I hate to say it, it's a ripple effect. It starts up Fort Kent and it comes right down, comes all the way right down. And before you know it, you're going to be in the Bangor area, the Old Town area, all these areas. And what you're going to have, you're not going to have very much and I hate to say that.

And everybody says, "Oh, that can't happen to me." Well, I worked at a place where there are two paper mills. "Oh, they'll never, ever go down." Well, guess what? They went down. And guess what? Thousand people unemployed. Guess what? Went to Lincoln—another 200 unemployed. Went down to Old Town—another 200 unemployed. You just look around, people, and I'll tell you what, northern part of this state's in trouble and we have an opportunity here to take advantage of an opportunity to produce electricity—cheap electricity—and for us to be able to do that, there's a punch in the arm saying, "Hey, let's take advantage of the asset that we have and not destroy the asset that we have." Thank you.

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

Representative **DION**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I want to thank the committee for the work they did on this. I just want to respond to the idea that this was late in session and somehow hurried. It may have appeared in this chamber in the later days of the session, or before our respective caucuses, but this committee and the stakeholders spent innumerable hours looking at the facts—not just headlines or theories about what was involved—but some of the hard facts behind this.

But I want to take a different angle. There's been a lot of important words shared today. But I'd like to bring us back to what I think is most important in this equation: is the working guys and their families. Alright? I haven't heard a lot about that. I haven't heard about the experience that some will have when they go home and say, "That's it. We're done." I've been in a household where that message has been delivered. Those are hard words. I don't envy fathers or husbands that take that drive home and try to determine if today they have sufficient courage to tell their family where they're truly at. When you look over into the abyss and it stares back, that's a dark day. I thought, as Mainers, we reach out and support each other. This is that opportunity.

But let me say something about the bill that's true: it's not the best bill. In some aspects, it's open to critique. And for those in this chamber who've been police officers, we share one common theme: we've always been second guessed like Monday. On Monday, everybody got it right. Everybody said, "If you'd studied a little more," or taken this particular route, or considered that strategy, the outcome would've been so much better. And we know, in our profession, sometimes decisions have to be made, Mr. Speaker, with what's in front of you at the moment. What are the facts that are available to you right now? That's leadership. Leadership hopes for a plan. Leadership hopes, there are additional facts, but leaders recognize that sometimes you're called in the moment to make a darn decision. It's that simple, Ladies and Gentlemen.

We choose our leaders by how they drive us around knocking doors. Is that our test? Is that the test of this chamber? Are we not man and woman enough to meet us at the bar and make a decision that acts in the best interest of people that are in crisis today? The strategies that I've heard expounded on this floor this afternoon suggest some future time where we can throw a lifeline to that family. I ask you to throw it today. These people are in trouble today. Listen. These were men that testified before committee with watered eyes. These are men that wouldn't even cry at someone's funeral, and I knew those tears weren't for us, they weren't for them, they were about their future. And it's real and it's now.

The trouble with the Legislature, the trouble with all of us—and I'm guilty of it—everything becomes abstract. Everything sounds like an accounting lesson. We talk about people as if they're objects and we hope that we can devise a strategy or a commission or a study, or can we defer a decision until some future date when it's safe and all the options are good? Well, today we don't have that choice. Today, we have a decision that has bad consequence on both sides of the equation. And that's where we'll test ourselves, because we still have to make that decision. That's what they expect. When people call and they're in trouble and you show up, they need relief right now. Please. This is a core of the state. It would be so easy for me to walk away. My constituents in Portland will nary read about this in the paper. They'll pass over that headline and try to find out what's going on at Hadlock Field. Alright? That'll be the truth of it. But I

know I make a decision, not necessarily where they might want to go, but where they need to go to ensure the best interest of the state as a whole. I ask you to follow. Thank you.

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

Representative **ALLEY**: Thank you, Mr. Speaker, Men and Women of the House, this is a very important industry in Maine and this is homegrown. It's not anywhere else. It's right here in Maine. But, this industry is in big trouble and it's our duty to step up to bat.

And I've got several facts here that will prove that. The six stand-alone biomass power plants—there's about two that are about to close and four at risk. And this accounts for 148 direct jobs, about 900 indirect jobs—and these are the employees, suppliers, truck drivers, loggers, processors, workers—supporting Maine's economy. 195 megawatts of generating capacity, 1.5 million megawatts per year of production—enough power for 200,000 homes. 2.5 million tons of purchased fuel per year, including residue from pellet mills, saw mills, and pulp and paper mills.

Another economic impact exceeding \$115 million directly and an estimated \$300 million, including indirect and trickle-down impacts. And if that's not enough to make you say yes to this, I don't know what you need to hear. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Gideon.

Representative **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the pending motion and I just want to reference something that was said by the good Representative from Guilford, Representative Stearns. He called this bill a forest products transition plan and I think that is a very accurate description. This is really Part 1 of a two-part plan. And Part 1 that's an emergency with people, their jobs, their ability to feed their family, at stake. But it's not enough to just have an emergency. For once, we need to actually be thinking ahead and coming up with a plan. And so, I do want to assure the good people in this room that there is a Part 2 to this. It's something that we've looked at and passed in the past week, which is a study and a commission filled with experts to actually address the issue of how to transition this industry into the future. Thank you, Mr. Speaker.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Chief Executive said that the problem with business in the state just happened to be too much taxes, too many laws, and power. When Madison Mill hooked up to natural gas, saved \$5 million, gone anyway. I pay \$253 a month, plus sales tax, for my electricity. When the lobsters when down to \$2 a pound, as one of the Representatives in the chamber said to me, "No one bailed them out." How long are we going to continue this? What more can be done for the Madison Mill? Put a bill in that write paychecks for them, too? It's time that we started doing what is right, and this is not right.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "B" (S-539) to Committee Amendment "A" (S-517). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 640

YEA - Alley, Austin, Bates, Battle, Beavers, Beck, Bickford, Black, Blume, Buckland, Chace, DeChant, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Evangelos, Farnsworth, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Greenwood, Hanington, Harrington, Hawke, Head, Herbig, Herrick, Hickman,

Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, McLean, Morrison, Nadeau, Nutting, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Prescott, Rykerson, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tuell, Turner, Verow, Wadsworth, Ward, White, Winsor, Wood, Mr. Speaker.

NAY - Babbidge, Beebe-Center, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Devin, Espling, Grant, Grohman, Guerin, Hanley, Harlow, Hymanson, Kruger, Mastraccio, McCreight, Melaragno, Monaghan, Moonen, O'onnor, Pierce J, Reed, Rotundo, Russell, Sanborn, Sirocki, Stuckey, Tucker, Vachon, Warren, Welsh.

ABSENT - Campbell R, Doore, Farrin, Fecteau, Hamann, Powers, Wallace.

Yes, 104; No, 40; Absent, 7; Excused, 0.

104 having voted in the affirmative and 40 voted in the negative, with 7 being absent, and accordingly **Senate Amendment "B" (S-539) to Committee Amendment "A" (S-517) was ADOPTED.**

Committee Amendment "A" (S-517) as Amended by Senate Amendment "B" (S-539) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-517) as Amended by Senate Amendment "B" (S-539) thereto in concurrence.**

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

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

Representative **LOCKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise to pose a question through the Chair regarding an item in today's calendar. On the last page of the calendar, under Order of the Day, Unassigned LD 1652, which is "An Act Regarding Municipal Immigration Policies." I rise to inquire through the Chair whether Representative McCabe is prepared to recall the bill from the table so that Maine people can have their voices heard on the issue of immigration policy. Thank you, Mr. Speaker.

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

ENACTORS

Bond Issue

An Act To Authorize a General Fund Bond Issue To Stimulate Investment in Innovation by Maine Businesses To Produce Nationally and Globally Competitive Products and Services

(H.P. 722) (L.D. 1053)
(C. "A" H-680)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 129 voted in favor of the same and 10 against, and accordingly the Bond Issue was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

COMMUNICATIONS

The Following Communication: (S.C. 988)

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

April 15, 2016

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1684, "An Act To Implement Certain Recommendations of the Task Force on School Leadership."

Proper school leadership is vitally important, and I agree we need to have talented, qualified and well-trained principals at all Maine schools. This bill does not facilitate that objective, which is why I am returning it to you unsigned and vetoed.

This bill seeks to require the Department of Education to issue grants from the Fund for Efficient Delivery of Educational Services to support new regional leadership academies. At present, the Fund is empty for the duration of the biennium. In my proposed biennial budget, I asked the Legislature to appropriate \$5 million annually to the Fund. When this Legislature passed a budget over my veto, the Fund received only 15% of the amount, which was insufficient to fulfill Fund's intended mission. The Fund exists to find meaningful ways to regionalize services to reduce local costs in order to provide property tax relief to Maine communities. Given the ineffectiveness of the underfunded program, this Legislature agreed to move all of the funding to the Fund for Efficient Delivery of Services in order to use the funds for pressing needs of the State. Now, this bill seeks to issue grants from a dry well. That is misleading to the Maine people and inappropriate.

There already exist programs that provide support for professional development, including the Leadership for Tomorrow's Schools through the University of Southern Maine, the Maine Principal's Association's Great Beginnings Program and its two-year mentoring program. Utilization of these professional development resources does not require the passage of a new law.

This law would also draw the Department of Education into the role of professional development for principals and other school leadership positions, a responsibility that properly belongs with a

School Administrative Unit and the professional associations that support these employees. We see the teachers' union and principals' association in the halls of the Legislature nearly every day. The union that purports to support teachers (many of whom are forced to pay fees to the union whether they want to or not) spends time and resources in the State House advocating for a wide range of bills, many of which are unrelated to education. These are bills that inhibit economic growth and job creation in the State of Maine and do not benefit their members. I challenge these unions and associations to do something that truly benefits your members. Redirect your resources to professional development.

When we get serious about reducing the administrative costs in the State of Maine, putting more money into the classroom and building a public school infrastructure appropriately sized for our declining student population, many of the skilled school leaders who are now employed as superintendents may instead become school leaders.

While well intentioned, this bill will not alleviate the problem it seeks to address, and it will further confuse the role of the state in Maine's public education. I respectfully ask the members of the Legislature to sustain my veto.

Sincerely,
S/Paul R. LePage
Governor

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

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

The accompanying item An Act To Implement Certain Recommendations of the Task Force on School Leadership (EMERGENCY)

(S.P. 691) (L.D. 1684)
(S. "A" S-450)

In Senate, April 15, 2016, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

31 voted in favor and 3 against, and 31 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

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

ROLL CALL NO. 641V

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

NAY - Austin, Battle, Black, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Fredette, Greenwood, Guerin, Hanley, Harrington, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Malaby, Marean, McElwee, Nutting, O'Connor, Ordway, Parry, Pickett, Pierce J, Reed, Sanderson, Sawicki, Sirocki, Skolfield, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Campbell R, Farrin, Fecteau, Hamann, Powers, Rykerson, Wallace.

Yes, 94; No, 50; Absent, 7; Excused, 0.

94 having voted in the affirmative and 50 voted in the negative, with 7 being absent, and accordingly the Veto was **SUSTAINED**.

**ENACTORS
Emergency Measure**

An Act To Establish a Process for the Procurement of Biomass Resources

(S.P. 689) (L.D. 1676)
(S. "B" S-539 to C. "A" S-517)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 34 against, and accordingly the Bill was **PASSED TO BE ENACTED**, 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.

COMMUNICATIONS

The Following Communication: (H.C. 537)

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

April 15, 2016

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1677, "Resolve, Directing the Department of Administrative and Financial Services and the Maine Public Employees Retirement System To Identify Retirees Whose Retirement Benefit Calculations Were Adversely Affected by Certain Pay Freezes and To Calculate Costs Associated with Authorizing Those Retirees To Include Such Lost Wages in Retirement Benefit Calculations."

This bill does not actually accomplish anything, and I worry that it intends to increase the State's unfunded pension liabilities. The resolve directs staff at the Department of Administration and Financial Services and Maine Public Employees Retirement System to gather information and perform calculations, but abdicates responsibility for policy decisions until the 128th Legislature, which may or may not act based on the information collected. I do not consent to the Legislature creating more work for the staff of these agencies, especially when this work may not result in any action.

Worse yet, if this bill did result in action, it would simply add to the State's unfunded pension liabilities that we have been actively working to reduce. I do not agree with across-the-board pay freezes; however, adding to our liabilities would be taking the State's financial health in the wrong direction at a time when we are working hard to improve our credit worthiness.

For these reasons, I return this bill to you unsigned and vetoed. I urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item Resolve, Directing the Department of Administrative and Financial Services and the Maine Public Employees Retirement System To Identify Retirees Whose Retirement Benefit Calculations Were Adversely Affected by Certain Pay Freezes and To Calculate Costs Associated with Authorizing Those Retirees To Include Such Lost Wages in Retirement Benefit Calculations

(H.P. 1144) (L.D. 1677)
(C. "A" H-632)

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

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

ROLL CALL NO. 642V

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

NAY - NONE.

ABSENT - Beebe-Center, Farrin, Fecteau, Powers, Rykerson, Wallace.

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

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

An Act To Ensure the Safety of Home Birth

(S.P. 248) (L.D. 690)

PASSED TO BE ENACTED in the House on April 7, 2016. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-484) AS AMENDED BY SENATE AMENDMENT "A" (S-514)** thereto in **NON-CONCURRENCE**.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 643

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, 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, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, O'Connor, Ordway, Parry, Peterson, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Rotundo, Russell, Sanborn, Saucier, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Crafts, Guerin, Lockman, Long, Nutting, Picchiotti, Reed, Sanderson, Sawicki, Stetkis, Theriault, Turner.

ABSENT - Beebe-Center, Farrin, Fecteau, Hamann, Powers, Rykerson, Wallace.

Yes, 132; No, 12; Absent, 7; Excused, 0.

132 having voted in the affirmative and 12 voted in the negative, with 7 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

Non-Concurrent Matter

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

(S.P. 651) (L.D. 1613)

PASSED TO BE ENACTED in the House on March 29, 2016. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430) AS AMENDED BY SENATE AMENDMENT "A" (S-526)** thereto in **NON-CONCURRENCE**.

Representative GOODE of Bangor moved that the House **INSIST**.

Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR**.

Representative GOODE of Bangor **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 Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, Men and Women of the House, this is a bill we talked about in Taxation, has to do with a sales tax exemptions for certain fraternal, religious, and civic organizations. It's a difficult bill to discuss. We all wanted to pass it, but this amendment that was put on in the other body, I feel is kind of sloppy to be honest with you. It's going to make it difficult to sort of enforce it. I'd like to see the bill passed, but I'm not happy with the amendment. I think maybe we ought to wait till next year. Personally, I'd vote against the Recede and Concur motion. Thank you.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to agree with my colleagues on the Taxation Committee. This amendment's not the right way to go and we can do better in a bipartisan way next year and I ask you to oppose the Recede and Concur motion. Thank you.

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

Representative **McCABE**: Thank you, Mr. Speaker, I rise in support of the Recede and Concur motion at this time. I believe this bill moving forward. As somebody who enjoys many church suppers throughout the year, many Saturday nights, I will be supporting the Recede and Concur motion.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, I'd just like to point out to the chamber that even though I technically supported this bill, it was not approved by the Appropriations Committee, either.

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

The Chair would inquire as to why the Representative from Augusta, Representative Pouliot, rises.

Representative **POULIOT**: Thank you, Mr. Speaker, I'm hearing a lot of confusion around me about what a red vote and what a green vote means. So, if that could be clarified that'd be great.

The SPEAKER: A green vote is to Recede and Concur. That means the bill will go forward, agree with the other body's action. We'll be in concurrence and then come back for Enactment. A red vote means you don't want the bill to go forward.

The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Mr. Speaker, I would hope that perhaps you could explain more clearly what a red vote actually means.

The SPEAKER: A green vote would mean that the House Recedes and Concurs with the actions of the other body, meaning it would be in concurrence, it would come back to us for Enactment. We would need another motion if the Recede and Concur fails, and then my assumption is the Insist motion would be before the body.

The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Thank you, Mr. Speaker, my assumption would be that there would be many possible options that would happen with the bill, should this motion not prevail.

The SPEAKER: That is accurate. 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. 644

YEA - Alley, Battle, Beck, Black, Buckland, Campbell J, Campbell R, Chenette, Davitt, Dillingham, Dion, Duchesne, Dunphy L, Edgecomb, Espling, Fredette, Gideon, Gilbert, Ginzler, Greenwood, Hawke, Head, Higgins, Hobbins, Hogan, Hubbell, Kinney J, Kinney M, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Martin R, McCabe, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sawicki, Short, Stetkis, Theriault, Timberlake, Tucker, Turner, Vachon, Verow, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Austin, Babbidge, Bates, Beavers, Bickford, Blume, Brooks, Bryant, Burstein, Chace, Chapman, Chipman, Cooper, Corey, Crafts, Daughtry, DeChant, Devin, Doore, Dunphy M, Evangelos, Farnsworth, Foley, Fowle, Frey, Gattine, Gerrish, Gillway, Golden, Goode, Grant, Grohman, Guerin, Hanington, Hanley, Harlow, Harrington, Herbig, Herrick, Hickman, Hilliard, Hobart, Hymanson, Jorgensen, Kornfield, Kruger, Long, Lyford, Malaby, Marean, Martin J, Mastraccio, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Pierce T, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Timmons, Tipping-Spitz, Tuell, Wadsworth, Warren.

ABSENT - Beebe-Center, Farrin, Fecteau, Hamann, Powers, Rykerson, Wallace.

Yes, 59; No, 85; Absent, 7; Excused, 0.

59 having voted in the affirmative and 85 voted in the negative, with 7 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

Non-Concurrent Matter

Resolve, Compensating Susan Cloutier for Claims against the State

(H.P. 1142) (L.D. 1671)

FINALLY PASSED in the House on April 7, 2016. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638) AS AMENDED BY SENATE AMENDMENT "A" (S-523)** thereto in **NON-CONCURRENCE**.

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

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

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" (S-537)** on Bill "An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation"

(S.P. 182) (L.D. 453)

Signed:

Senators:

KATZ of Kennebec
VALENTINO of York

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

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

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1170)

An Act To Attract Investment to Loring Commerce Centre

(H.P. 1141) (L.D. 1670)

(C. "A" H-634)

- In House, **PASSED TO BE ENACTED** on April 7, 2016.

- In Senate, **PASSED TO BE ENACTED** on April 12, 2016.

On motion of Representative MARTIN of Eagle Lake, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-634)**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-634)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-682)** to **Committee Amendment "A" (H-634)**, which was **READ** by the Clerk

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

Representative **MARTIN**: Thank you, Mr. Speaker, Members of the House, the original bill, which went to the Taxation Committee was amended by the committee for the money to flow to Loring for total of about five years. The Chief Executive decided that that was not what he wanted and so the amendment that is before you now is that the money will flow for one year to Loring.

The **SPEAKER**: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative **SEAVEY**: Thank you, Mr. Speaker, Men and Women of the House, just to speak on behalf of this side of the aisle, I concur with the Representative. This is an important bill for Aroostook County and the Loring Develop Authority. The bill was put in by the Chief Executive and we passed it as he wanted, but somewhere along the line, he wanted this amendment and we believe it's appropriate and we should support it. Thank you.

Subsequently, **House Amendment "A" (H-682)** to **Committee Amendment "A" (H-634)** was **ADOPTED**.

Committee Amendment "A" (H-634) as Amended by **House Amendment "A" (H-682)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-634) as Amended by House Amendment "A" (H-682)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-536)** on Bill "An Act To Authorize a General Fund Bond Issue To Support Waterfront Development"

(S.P. 92) (L.D. 254)

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

VACHON of Scarborough

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

READ.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

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-481) AS AMENDED BY SENATE AMENDMENT "A" (S-542)** thereto.

READ.

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

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

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, I'm pretty sure that everyone in this body wants to strengthen accountability while promoting success in all of our welfare programs. And I know for certain that the Democrats on the HHS Committee who support the Majority Report on this bill, and that's all of us, want to ensure that these programs move families off of welfare and out of poverty.

Every year the HHS Committee is asked to consider a number of welfare bills and Mr. Speaker, this year was no exception. The bill before us tonight addresses accountability in the Temporary Assistance to Needy Families program, also known as TANF. TANF is a federal government program designed to help needy families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program. And there are four purposes, including: providing assistance to needy families so the children can be cared for in their own homes; reducing the dependency of needy parents by promoting job preparation, work and marriage; preventing and reducing the incidence of out-of-wedlock pregnancies; and encouraging the formation and maintenance of two-parent families.

Four years ago, Mr. Speaker, there were 12,700 families with almost 23,000 children on the program. Today there are 5,200 families and less than 9,000 children on the program. Less than 200 of those are two-parent families. The rest are single parent households. The average size is one adult—needless to say, almost always a woman—and just under two children. The maximum monthly grant for a family of three—one adult and two children—is \$485 a month. The withheld benefit, which is the Majority Report for this family, the sanction is \$232, leaving that family \$262 a month during the sanctioned period. These families are not eligible for general assistance, Mr. Speaker, and I wonder how some of them will even be able to pay the rent.

Mr. Speaker, the Majority Report tries really hard to send an appropriate message to a non-compliant parent without punishing or compromising the health and safety of her children. I urge you, follow our report. Thank you, Mr. Speaker.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-481)** was **READ** by the Clerk.

Senate Amendment "A" (S-542) to **Committee Amendment "A" (S-481)** was **READ** by the Clerk.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT Senate Amendment "A" (S-542) to Committee Amendment "A" (S-481)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of Senate Amendment "A"

CONSENT CALENDAR
First Day

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

(H.P. 703) (L.D. 1020) Bill "An Act To Make Certain Necessary Supplemental Appropriations and Allocations" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-681)**

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

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

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

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-481)** on Bill "An Act To Improve the Integrity of Maine's Welfare Programs"

(S.P. 384) (L.D. 1097)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-482)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

(S-542) to Committee Amendment "A" (S-481). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 645

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

NAY - Bates, Blume, Brooks, Bryant, Burstein, Chapman, Chipman, Daughtry, Doore, Dunphy M, Evangelos, Farnsworth, Frey, Gattine, Gideon, Golden, Goode, Grant, Hamann, Harlow, Hickman, Hogan, Hymanson, Jorgensen, Kruger, Martin J, McCreight, McLean, Melaragno, Monaghan, Moonen, Rotundo, Russell, Sanborn, Stuckey, Tipping-Spitz, Tucker, Warren.

ABSENT - Beebe-Center, Farrin, Fecteau, Powers, Rykerson, Tepler, Wallace.

Yes, 106; No, 38; Absent, 7; Excused, 0.

106 having voted in the affirmative and 38 voted in the negative, with 7 being absent, and accordingly **Senate Amendment "A" (S-542) to Committee Amendment "A" (S-481) was ADOPTED.**

Committee Amendment "A" (S-481) as Amended by Senate Amendment "A" (S-542) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-481) as Amended by Senate Amendment "A" (S-542) thereto in concurrence.**

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

**SENATE PAPERS
Non-Concurrent Matter**

Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education (EMERGENCY)

(H.P. 1143) (L.D. 1675)
(C. "A" H-628)

FINALLY PASSED in the House on April 5, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628) AS AMENDED BY SENATE AMENDMENT "A" (S-541) 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

An Act To Improve the Evaluation of Elementary and Secondary Schools

(H.P. 853) (L.D. 1253)

PASSED TO BE ENACTED in the House on April 12, 2016. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-658)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-658) AS AMENDED BY SENATE AMENDMENT "A" (S-530) thereto in NON-CONCURRENCE.**

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

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

**ENACTORS
Acts**

An Act To Ensure the Safety of Home Birth

(S.P. 248) (L.D. 690)

(S. "A" S-514 to C. "A" S-484)

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

Resolves

Resolve, Compensating Susan Cloutier for Claims against the State

(H.P. 1142) (L.D. 1671)

(S. "A" S-523 to C. "A" H-638)

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

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

Acts

An Act To Improve the Integrity of Maine's Welfare Programs

(S.P. 384) (L.D. 1097)

(S. "A" S-542 to C. "A" S-481)

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.

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

Emergency Measure

Resolve, To Create the Task Force on Public-private Partnerships To Support Public Education

(H.P. 1143) (L.D. 1675)

(S. "A" S-541 to C. "A" H-628)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and

0 against, 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**.

Acts

An Act To Improve the Evaluation of Elementary and Secondary Schools

(H.P. 853) (L.D. 1253)

(S. "A" S-530 to C. "B" H-658)

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.

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

After Midnight

Emergency Measure

An Act To Provide Supplemental Deallocations for the Department of the Secretary of State and Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017

(H.P. 703) (L.D. 1020)
(C. "A" H-681)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 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.

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

SENATE PAPERS Non-Concurrent Matter

Bill "An Act To Provide Funding to the Maine Budget Stabilization Fund" (EMERGENCY)

(S.P. 647) (L.D. 1606)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-464) AS AMENDED BY SENATE AMENDMENT "A" (S-467) AND HOUSE AMENDMENT "C" (H-643) thereto in the House on April 5, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-545)** in **NON-CONCURRENCE**.

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

Representative RUSSELL of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

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

Representative **RUSSELL**: Thank you, Mr. Speaker, the bill before you, if I understand correctly, is related to the proposed disbursement of the S & P settlement funds. This is \$21 million that is very high profile. It was won in a settlement by the Attorney General. To my knowledge, there has been no public hearing about it. It is 1:30 in the morning. We found about it at 9:30 in our caucus.

Very little money in this goes to support people who actually lost their homes in foreclosure. If we are going to bring in \$21 million in a settlement because of the bankruptcy proceeding that occurred as a direct result of the robo-signing, we owe it to the people of Maine to make sure that we are setting up systems in place and using some of that money, a significant portion, far more than the million dollars that is set aside, to make sure that this never happens again. This is about the robo-signing. Many people lost their homes in foreclosure. And we are setting aside all this money at 1:30 in the morning and very, very little goes to support homeowners who did this.

Now, I could be wrong. I could be somewhat wrong about this. But, the fact of the matter is, it has not been debated, it has

not been put before the public, and it's my understanding that the Appropriations Committee, while they have authorized this and we have passed many of these items, the Appropriations Committee did not put this package together. This is literally being done in the middle of the night. The process is bad. And frankly, I would like the opportunity to vote against it. Thank you, Mr. Speaker.

Representative GRANT of Gardiner **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 646

YEA - Alley, Austin, Babbidge, Bates, Battle, Beck, Bickford, Black, Bryant, Buckland, Campbell J, Campbell R, Chace, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Dillingham, Dion, Doore, Duchesne, Dunphy L, Edgecomb, Espling, Foley, Fowle, Fredette, Gattine, Gerrish, Gideon, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hogan, Hubbell, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McCreight, McElwee, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Beavers, Blume, Brooks, Burstein, Chapman, Chenette, DeChant, Devin, Dunphy M, Evangelos, Farnsworth, Frey, Gilbert, Goode, Grant, Harlow, Hymanson, Jorgensen, Mastraccio, McLean, Melaragno, Peterson, Rotundo, Russell, Sanborn, Stuckey, Warren.

ABSENT - Beebe-Center, Farrin, Fecteau, Hamann, Hobbins, Powers, Rykerson, Timmons, Wallace.

Yes, 115; No, 27; Absent, 9; Excused, 0.

115 having voted in the affirmative and 27 voted in the negative, with 9 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

ENACTORS Acts

An Act To Attract Investment to Loring Commerce Centre
(H.P. 1141) (L.D. 1670)
(H. "A" H-682 to C. "A" H-634)

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.

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

ORDERS

On motion of Representative McCABE of Skowhegan, the following Joint Order: (H.P. 1171)

ORDERED, the Senate concurring, that pursuant to the Maine Revised Statutes, Title 3, section 2 the House and Senate shall extend the date for adjournment for one legislative day.

READ and PASSED.

Sent for concurrence.

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

SENATE PAPERS

The following Joint Order: (S.P. 706)

ORDERED, the House concurring, that when the House and Senate adjourn they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business, or consider possible objections of the Governor.

Came from the Senate, **READ and PASSED.**

READ and PASSED in concurrence.

Non-Concurrent Matter

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

(S.P. 651) (L.D. 1613)

(C. "A" S-430)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENACTED** in the House on April 15, 2016.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-430) AS AMENDED BY SENATE AMENDMENT "B" (S-544)** thereto in **NON-CONCURRENCE.**

Representative SEAVEY of Kennebunkport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED.**

The SPEAKER: The motion is Out of Order. The pending available motions are to Table, to Recede, to Recede and Concur, to Insist, to Insist and Ask for a Committee of Conference, or Insist and Join in a Committee of Conference.

Subsequently, the Chair advised Representative SEAVEY of Kennebunkport that the motion was **OUT OF ORDER.**

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

On motion of Representative FREDETTE of Newport, **TABLED** pending the motion of Representative McCABE of Skowhegan to **RECEDE AND CONCUR** and later today assigned.

ENACTORS

Emergency Measure

An Act To Provide Funding to the Maine Budget Stabilization Fund and To Make Additional Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017

(S.P. 647) (L.D. 1606)

(S. "A" S-545)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-

thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 26 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

On motion of Representative GUERIN of Glenburn, the House adjourned at 1:53 a.m., until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business, or consider possible objections of the Governor, pursuant to the Joint Order (S.P. 706).