

# MAINE STATE LEGISLATURE

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**Journal and Legislative Record**  
**House of Representatives**  
**One Hundred and Twenty-Eighth Legislature**  
**State of Maine**

**Daily Edition**

**First Regular Session**  
beginning December 7, 2016

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
FIRST REGULAR SESSION  
9th Legislative Day  
Thursday, January 26, 2017

The Speaker resumed the Chair.  
The House met according to adjournment and was called to order by the Speaker.  
Prayer by Pastor Matthew Ward, Charleston Church.  
National Anthem by Charleston Church Trio.  
Pledge of Allegiance.  
Doctor of the day, Lisa Ryan, D.O., Naples.  
The Journal of Tuesday, January 24, 2017 was read and approved.

**SENATE PAPERS**

The following Joint Order: (S.P. 19)

ORDERED, the House concurring, that the Joint Rules be amended by amending Joint Rule 215, subsection 1 as follows:

**1. Calling of ~~United States Constitutional Convention~~ a Convention for Proposing Amendments.** An item ~~requesting the calling of a United States Constitutional Convention applying to Congress for the calling of a convention for proposing an amendment or amendments to the United States Constitution~~ requires a ~~2/3~~ majority vote of the members present in each chamber;

Came from the Senate, **READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES**.

**READ** and **REFERRED** to the Joint Select Committee on **JOINT RULES** in concurrence.

Bill "An Act To Require the Department of Health and Human Services To Disclose Information to the Personal Representative of the Estate of an Incapacitated or Dependent Adult Who Dies While under Public Guardianship or Public Conservatorship"

(S.P. 54) (L.D. 135)

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

**Non-Concurrent Matter**

Bill "An Act To Increase Funding for Multimodal Transportation"

(H.P. 84) (L.D. 116)

**REFERRED** to the Committee on **TRANSPORTATION** in the House on January 17, 2017.

Came from the Senate **REFERRED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

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

**COMMUNICATIONS**

The Following Communication: (H.C. 26)

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

January 18, 2017

Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of The Honorable Richard A. Nass of Acton for appointment as a member of the Maine Board of Tax Appeals.

This nomination is currently pending before the Joint Standing Committee on Taxation. I am withdrawing my nomination pending enactment of the FY '18-'19 Biennial Budget. As you know, my biennial budget proposal eliminates the Maine Board of Tax Appeals and related administrative structure as of October 1, 2017. Pursuant to this proposal, starting July 1, 2017, all Maine Revenue Services reconsideration decisions may be appealed directly to Superior Court. Because the budget initiative eliminates the Board and provides that the terms of its members expire on October 1, 2017, I feel that it is premature to move forward with this nomination until the biennial budget is enacted.

Thank you for your assistance in this matter.

Sincerely,  
S/Paul R. LePage  
Governor

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

The Following Communication: (H.C. 29)

**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333-0002**

January 23, 2017

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

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative John L. Martin of Eagle Lake to serve as Speaker Pro Tem to convene the House on January 24, 2017.

Sincerely,  
S/Sara Gideon  
Speaker of the House

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

The Following Communication: (H.C. 25)

**STATE OF MAINE  
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE  
HOUSE COMMITTEE ON  
HOUSE RULES**

January 24, 2017

Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333

Dear Speaker Gideon:

This is to inform you that the Committee on House Rules met on January 18, 2017 and voted unanimously to report the following:

Ought Not to Pass  
H.O. 14 House Order, To Amend House Rule 525

Indefinitely Postpone  
H.O. 12 House Order, To Amend House Rule 525  
Sincerely,  
S/Representative Jared F. Golden, Chair  
**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

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The Following Communication: (H.C. 27)  
**MIDCOAST REGIONAL REDEVELOPMENT AUTHORITY  
15 TERMINAL ROAD, SUITE 200  
BRUNSWICK, MAINE 04011**

January 18, 2017  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Honorable Michael D. Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon and President Thibodeau:  
Pursuant to 5 MRSA, §12023, please consider this the letter of transmittal for the required report from the Midcoast Regional Redevelopment Authority due by February 1, 2017.  
Please contact me if you have any questions or need additional information.  
Thank you.  
Sincerely,  
S/Jeffrey K. Jordan  
Deputy Director  
**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

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The Following Communication: (H.C. 28)  
**STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BUREAU OF FINANCIAL INSTITUTIONS  
36 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0036**

January 17, 2017  
Honorable Michael D. Thibodeau, President of the Senate  
Honorable Sara Gideon, Speaker of the House  
128th Maine Legislature  
State House  
Augusta, Maine 04333  
Dear President Thibodeau and Speaker Gideon:  
In accordance with Title 9-B MRSA §217, as amended, enclosed please find a copy of the Annual Report from the Superintendent of the Bureau of Financial Institutions to the Legislature. This Annual Report contains statistical information for financial institutions doing business in Maine.  
In the event that you may have any questions regarding the information contained in this Report, the Bureau would be pleased to respond. This Report will also be available in electronic format at [www.maine.gov/pfr/financialinstitutions](http://www.maine.gov/pfr/financialinstitutions).  
Very truly yours,  
S/Lloyd P. LaFountain III  
Superintendent  
**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

The Following Communication: (H.C. 30)  
**MAINE HUMAN RIGHTS COMMISSION  
19 UNION STREET  
AUGUSTA, MAINE 04330**

January 25, 2017  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Honorable Michael D. Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon and President Thibodeau:  
Pursuant to 5 M.R.S.A. §12023, please consider this the letter of transmittal for the required report from the Maine Human Rights Commission due by February 1, 2017.  
Please contact me if you have any questions or need additional information. Thank you.  
Sincerely,  
S/Amy M. Sneirson  
Executive Director  
**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

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The Following Communication: (H.C. 31)  
**MAINE MARITIME ACADEMY  
CASTINE, MAINE 04420**

January 19, 2017  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Honorable Michael D. Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon and President Thibodeau:  
Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from Maine Maritime Academy due by February 1, 2017.  
Please contact me if you have any questions or need additional information.  
Thank you.  
Sincerely,  
S/Petra Carver  
Vice President for Financial and Institutional Services for Maine Maritime Academy  
**READ** and with accompanying papers **ORDERED  
PLACED ON FILE.**

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The Following Communication: (S.C. 52)  
**MAINE SENATE  
128TH LEGISLATURE  
OFFICE OF THE SECRETARY**

January 19, 2017  
Honorable Sara Gideon  
Speaker of the House  
2 State House Station  
Augusta, Maine 04333  
Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Judiciary, the nomination of the Honorable Joseph M. Jabar of Waterville for reappointment as a Supreme Judicial Court Justice.

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

**READ and ORDERED PLACED ON FILE.**

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

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. 66) (L.D. 88) Bill "An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act" (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-1)**

On motion of Representative FARRIN of Norridgewock, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

Representative FREDETTE of Newport **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. 3**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - NONE.

ABSENT - Haggan, Lockman, Theriault, Wallace, Winsor.

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

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-1)** was **READ** by the Clerk.

Representative FARRIN of Norridgewock **PRESENTED House Amendment "A" (H-3)** to **Committee Amendment "A" (H-1)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise again today to talk in support of my amendment to L.D. 88. First I want to applaud the work done by my fellow committee members on L.D. 88 on Veterans and Legal Affairs. We saw a ton of testimony and spent a lot of time in deliberations and coming out with a 13 to nothing vote out of that committee is pretty impressive on the first week of working together. And the more time we spent on this bill, on L.D. 88, the more we realized how really horrendously written the referendum question was. And as we peeled back layers and layers we found out things that we hadn't even comprehended: definitions, access to minors, and the list goes on. And to be able to come through that in a short week's time and to be here with L.D. 88 and to see the support that we have on that was pretty impressive. With that being said, I think we may have missed, skipped over, a couple of items and one of that is jurisdiction, about where this referendum belongs as well as how we're going to pay for the rulemaking. Because one of the things that we postponed along this was the substantial rulemaking that has to be made, whether it be enforcement, taxation, cultivation, all along the whole weighing that we really didn't focus on. And so this amendment simply addresses those things that I think that if we had talked about them last week in committee, we probably would be able to realize some kind of compromise on that piece. I know there's lots of discussion going on about who's responsible for that coming to us at this late hour, and I'll tell you, you can lay it on me as being the House lead on the committee to not recognize that and bring that forward. I'll tell you this is a very important thing to safeguard our children and the citizens of the State of Maine and I'd ask for your support to make sure that we get this into the right place, we give the resources for the folks that are going to be responsible for the Joint Select Committee to look at all of these issues, that we give them the resources to be able to bring experts in, to have the right folks at the table having the discussions and I really truly believe this amendment accomplishes that and I would ask for your support.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, it would seem to me that there should have been a fiscal note on the underlying bill because I don't believe that we have sort of the wherewithal at this point in time to deal with promulgating regulations and the expertise without some funds. And so, quite frankly, I think there was an error in the process because there wasn't a fiscal note tied to this, which leads into the underlying issue of, you know, what is our ability and what is our capacity to deal with regulating a new controlled substance in the State of Maine? Now, I don't think there is anyone that thinks that we have the expertise, whether it be in this body or the other body, to do that. And what I mean by that is, is that there are one or two states that have already done this,

Oregon and Colorado, and those are states that have had some experience in terms of drafting rules and developing the infrastructure to look at this. And at the end of the day, I don't think there's any way that we are going to be able to do this without that. I've had conversations with the Chief Executive and the Chief Executive is concerned, and I think I can say this, is concerned about his ability to promulgate rules without any money or any funding. I mean, it's a pretty simple premise. And so sort of where we are in this process right now is that the underlying bill will pass and if this amendment doesn't pass, the Chief Executive has no funds to do this and we're operating under a deadline. And so I think it puts not only the Chief Executive in a bad position, but I think it puts us in a bad position to not have funds sort of tied to this sort of at this time.

Now the second question of jurisdiction, you know, I know from my perspective, I don't see jurisdiction of the issue of the retail sale of pot being within the Department of Agriculture. I mean, the last time I looked, the Department of Agriculture usually is focused on cultivating crops, growing crops, selling the Maine crop, and unless we plan on looking at this as a crop, then I really don't think the jurisdiction is properly placed within the Department Ag. Now, the reality is that we have BABLO which already regulates a controlled substance, i.e. alcohol. And we have licensed facilities through the State of Maine. Then there is a whole process whereby, sort of the quote unquote policing of the sale of alcohol occurs. And I think those are two major issues and flaws at this point and juncture which ought to be addressed. And my concern is, is the posture of this bill as it moves out of this body, and passes one way or the other, and whether or not where the Chief Executive is going to be in terms of this particular bill. Now, I do believe as part of my conversations with him that should we, you know, pass the necessary funding which I believe, I can stand corrected if somebody knows the answer to this, but I believe Representative Farrin's amendment calls for I believe \$1.6 million. And there was an analysis done in terms of looking at what was going to be the level of analysis, expertise that was going to be done or needed nationwide to do this. The 1.6 might actually be a little heavy but I think it's better to have a little bit too much than too little. So I think the amendment does things that we as a body should want this bill to do. Which is, one, put it in a proper place of jurisdiction which is within BABLO which already regulates a controlled substance, and number two, provides funding so that we can actually get the expertise and the resources available to do this. And so I ask you to follow my light in supporting this amendment. Thank you, Madam Speaker.

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

Representative **LUCHINI**: Thank you, Madam Speaker. Madame Speaker, Men and Women of the House, I rise in opposition to the pending motion. And first I would just like to echo the sentiments of my friend from Norridgewock, Representative Farrin, on the great work done by the committee on L.D. 88. We came together really quickly and had to deal with this fast and I think the underlying product is great. And with respect to Representative Farrin, I oppose this bill not necessarily even because of the concept, but because of the process by which it's before us. As we worked L.D. 88, and the intent when I submitted this bill was to address those issues immediately necessary for marijuana legalization which is going to happen on Monday. All those more substantive discussions, like the agency of oversight, were things that we felt could be kicked off to the Joint Select Committee which we

approved last week and which will start meeting shortly. What we have before us in this bill, however, is a pretty significant change in my view. That would put all oversight in rulemaking within the Department of the Bureau of Alcoholic Beverages and Lottery Operations. In fact, as written, it wouldn't allow rules to be delegated to other agencies, like the Department of Agriculture, and I think that raises a lot of concerns for a lot of people because when it comes to cultivating, pesticides and things like that, the Department of Ag would be a great resource for them. In addition to changing the agencies, we're also making an appropriation of \$1.6 million without a public hearing or any committee discussion. So for those reasons, you know, I don't feel this change in agency and appropriation are immediately necessary and need to be passed in emergency bill. There's something that could be heard, vetted, by the Joint Select Committee which is why we created them and they can come up with a much more comprehensive solution. I think our main priority right now is just to make sure that come this Monday, kids can't legally possess marijuana, you can't consume it in cars, and to take care of those emergency situations. So again, I would urge your opposition to the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker. Permission to pose a question through the Chair.

The SPEAKER: The member may proceed.

Representative **HARVELL**: Does anyone know if we left this in the Agriculture Committee, if that would affect, potentially, subsidies from the federal government on ag, because I noticed that Colorado, Washington and Oregon have all put their particular enforcement agencies into what is the equivalent of BABLO in their states. I mean I have no problem taking on the federal government. It would seem that we'd want to try to do it on the best strongest grounds possible.

The SPEAKER: The Representative from Farmington, Representative Harvell has asked a question of any member who might answer. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. And I apologize for rising a second time; however, I did want to respond to the good Representative from Ellsworth's comments in regards to issues. Particularly at the end of session, we make major substantive amendments to bills all the time that don't actually go through the committee process. And, quite frankly, it's common place that that happens. And so I think, quite frankly, that's a red herring, that particular issue. And again, I think the issue of the funding for getting people in place to do this is sort of a fundamental tenet of our responsibility and so to kick that can down the road I think is, quite frankly, irresponsible. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker. Women and Men of the House, I oppose the pending motion. We cannot accept zero public oversight and transparency as we work to implement a referendum Maine people voted on, period. The Joint Select Committee on Marijuana will address all aspects of this referendum, including funding and jurisdiction in the light of day, in the public, with doors wide open. With this amendment, there are no guarantees or ability to hear from our constituents. We are supposed to accept a promise of funding, agree to no public input, or the Chief Executive has threatened to veto L.D. 88. The Office of the

Chief Executive was fully aware and his staff was present for work sessions and the committee vote advancing L.D. 88. I want to thank committee members for their work on this very important issue. L.D. 88 puts in place emergency protections for public safety that we need before Monday. We don't have time for these games. However difficult, we should continue to implement this referendum with and in full view of the public, our constituents. I urge you to vote against this Amendment in honor of the responsibility we have in this building to each other and to our constituents. Thank you, and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-3) to Committee Amendment "A" (H-1)**.

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 House Amendment "A" (H-3) to Committee Amendment "A" (H-1). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 4**

**YEA** - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Ward, White, Wood.

**NAY** - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

**ABSENT** - Haggan, Lockman, Theriault, Wallace, Winsor.  
Yes, 67; No, 79; Absent, 5; Excused, 0.

67 having voted in the affirmative and 79 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-3) to Committee Amendment "A" (H-1)** was **NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (H-1)** was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-1)** and sent for concurrence.

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

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Reduce Food Insecurity"

(H.P. 129) (L.D. 173)

Sponsored by Representative HERBIG of Belfast.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BLACK of Wilton, DUNPHY of Old Town, GIDEON of Freeport, HIGGINS of Dover-Foxcroft, JORGENSEN of Portland, Senators: DILL of Penobscot, JACKSON of Aroostook, KATZ of Kennebec.

Bill "An Act To Limit the Use of Pesticides on School Grounds"

(H.P. 130) (L.D. 174)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Representatives: DEVIN of Newcastle, HICKMAN of Winthrop, McCREIGHT of Harpswell, O'NEIL of Saco, RYKERSON of Kittery, TEPLER of Topsham, Senators: CARSON of Cumberland, MILLETT of Cumberland.

Bill "An Act Regarding the Regulation of Rabbit Production for Local Consumption"

(H.P. 131) (L.D. 175)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Representatives: BERRY of Bowdoinham, DEVIN of Newcastle, HICKMAN of Winthrop, MADIGAN of Waterville, McCREA of Fort Fairfield, O'NEIL of Saco, STEARNS of Guilford, TEPLER of Topsham.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

**REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Amend the Laws Pertaining to Disability Retirement Benefits Administered by the Maine Public Employees Retirement System"

(H.P. 132) (L.D. 176)

Sponsored by Representative FOLEY of Wells.

Cosponsored by Senator KATZ of Kennebec and Representatives: GERRISH of Lebanon, HANLEY of Pittston, HYMANSON of York, PICCHIOTTI of Fairfield, PRESCOTT of Waterboro, Senator: WHITTEMORE of Somerset.

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

(H.P. 133) (L.D. 177)

Sponsored by Representative ALLEY of Beals.

Cosponsored by Senator MAKER of Washington and Representatives: DUNPHY of Old Town, FECTEAU of Biddeford, GOLDEN of Lewiston, HICKMAN of Winthrop, LUCHINI of Ellsworth, PERRY of Calais, STANLEY of Medway, TUCKER of Brunswick.

Bill "An Act To Authorize a General Fund Bond Issue To Provide Jobs, Improve Road Infrastructure and Protect Water Resources"

(H.P. 134) (L.D. 178)

Sponsored by Representative BLACK of Wilton.

Cosponsored by Senator DILL of Penobscot and Representatives: BATTLE of South Portland, BERRY of Bowdoinham, DUCHESNE of Hudson, HILLIARD of Belgrade, MAREAN of Hollis, POULIOT of Augusta, STEARNS of Guilford, Senator: SAVIELLO of Franklin.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.  
Sent for concurrence.

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Bill "An Act To Make Creating a Police Standoff a Class E Crime"

(H.P. 135) (L.D. 179)

Sponsored by Representative LONGSTAFF of Waterville.  
Cosponsored by Senator MASON of Androscoggin and Representatives: DILLINGHAM of Oxford, GOLDEN of Lewiston, HANINGTON of Lincoln, LUCHINI of Ellsworth, NADEAU of Winslow, PERKINS of Oakland, SCHNECK of Bangor, Senator: KATZ of Kennebec.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

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Bill "An Act To Enhance Higher Education in Maine through the Creation of a Unified Board of Higher Education"

(H.P. 136) (L.D. 180)

Sponsored by Representative FREDETTE of Newport.  
Cosponsored by Representatives: ESPLING of New Gloucester, GINZLER of Bridgton, POULIOT of Augusta, SAMPSON of Alfred, STEWART of Presque Isle, TURNER of Burlington.

Bill "An Act To Improve Teacher Preparation Programs"

(H.P. 137) (L.D. 181)

Sponsored by Representative FULLER of Lewiston.  
Cosponsored by Representative: McCREA of Fort Fairfield.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

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Bill "An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals"

(H.P. 138) (L.D. 182)

Sponsored by Representative KUMIEGA of Deer Isle.  
Cosponsored by Representative DEVIN of Newcastle, Senator BREEN of Cumberland and Representatives: BERRY of Bowdoinham, BLUME of York, PIERCE of Dresden, RYKERSON of Kittery, SPEAR of South Thomaston, THERIAULT of China, ZEIGLER of Montville, Senator: BELLOWS of Kennebec.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

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Bill "An Act Requiring the Use of the Electronic Death Registration System"

(H.P. 139) (L.D. 183)

Sponsored by Representative VACHON of Scarborough.  
Cosponsored by Senator CUSHING of Penobscot and Representatives: BICKFORD of Auburn, FOLEY of Wells, GERRISH of Lebanon, O'NEIL of Saco, STANLEY of Medway,

STROM of Pittsfield, WHITE of Washburn, Senator: JACKSON of Aroostook.

Bill "An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information"

(H.P. 140) (L.D. 184)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: CHACE of Durham, HARVELL of Farmington, HEAD of Bethel, HYMANSON of York, NADEAU of Winslow.

Bill "An Act To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders"

(H.P. 141) (L.D. 185)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: CHACE of Durham, HARVELL of Farmington, HEAD of Bethel, NADEAU of Winslow, PERRY of Calais.

Bill "An Act To Improve Peer Support Services"

(H.P. 142) (L.D. 186)

Sponsored by Representative GATTINE of Westbrook.

Cosponsored by Representative: HAMANN of South Portland.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

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Resolve, To Establish a Commission To Simplify Maine's Fishing Rules

(H.P. 143) (L.D. 187)

Sponsored by Representative DUNPHY of Old Town.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: ALLEY of Beals, COREY of Windham, DUCHESNE of Hudson, NADEAU of Winslow, WARREN of Hallowell, WOOD of Greene, Senator: CYRWAY of Kennebec.

Bill "An Act To Allow Dipping for Smelt on King Pond in Hancock County" (EMERGENCY)

(H.P. 144) (L.D. 188)

Sponsored by Representative LYFORD of Eddington.

Cosponsored by Representatives: PIERCE of Dresden, SIMMONS of Waldoboro, STEARNS of Guilford, WOOD of Greene.

Bill "An Act To Allow Bird Hunting on Sunday in Aroostook County and Unorganized Townships in Western Maine"

(H.P. 145) (L.D. 189)

Sponsored by Representative HAGGAN of Hampden.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: HILLIARD of Belgrade, PIERCE of Dresden, STEWART of Presque Isle, STROM of Pittsfield, Senators: JACKSON of Aroostook, WOODSOME of York.

Bill "An Act To Allow Spearfishing for Northern Pike in Sebago Lake"

(H.P. 146) (L.D. 190)

Sponsored by Representative ORDDWAY of Standish.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: COREY of Windham, GINZLER of Bridgton, HANINGTON of Lincoln, HARRINGTON of Sanford, PICKETT of Dixfield, STEWART of Presque Isle, TURNER of Burlington, Senator: DIAMOND of Cumberland.

Bill "An Act To Authorize 3-day All-terrain Vehicle Registration Reciprocity with the Provinces of New Brunswick and Quebec"



(H.P. 147) (L.D. 191)

Sponsored by Representative MARTIN of Sinclair.  
Cosponsored by Senator JACKSON of Aroostook and Representatives: ALLEY of Beals, DUCHESNE of Hudson, MARTIN of Eagle Lake, McCREA of Fort Fairfield, NADEAU of Winslow, WHITE of Washburn, Senators: CARPENTER of Aroostook, CYRWAY of Kennebec.

Bill "An Act To Eliminate the Authority of Game Wardens To Violate the Hunting and Fishing Laws When Carrying Out the Duties of the Department of Inland Fisheries and Wildlife"

(H.P. 174) (L.D. 241)

Sponsored by Representative MARTIN of Eagle Lake.  
Cosponsored by Senator JACKSON of Aroostook.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

Sent for concurrence.

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Bill "An Act To Require Insurance Coverage for Hearing Aids"

(H.P. 148) (L.D. 192)

Sponsored by Representative HANDY of Lewiston.  
Cosponsored by Senator BELLOWES of Kennebec and Representatives: BROOKS of Lewiston, LAWRENCE of South Berwick, RECKITT of South Portland, SHEATS of Auburn, SYLVESTER of Portland.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

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Bill "An Act To Protect Individual Retirement Accounts from Creditor Collection"

(H.P. 149) (L.D. 193)

Sponsored by Representative CHACE of Durham.  
Cosponsored by Representatives: ALLEY of Beals, COREY of Windham, FREDETTE of Newport, GILLWAY of Searsport, HILLIARD of Belgrade, MALABY of Hancock, THERIAULT of China, Senator: LIBBY of Androscoggin.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

On motion of Representative LAWRENCE of South Berwick, the Bill was **REFERRED** to the Committee on **JUDICIARY**, ordered printed and sent for concurrence.

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Bill "An Act To Ensure Equity in the Awarding of Compensation for Tort Claims"

(H.P. 150) (L.D. 194)

Sponsored by Representative GINZLER of Bridgton.  
Cosponsored by Senator CUSHING of Penobscot and Representatives: GUERIN of Glenburn, LOCKMAN of Amherst, STEARNS of Guilford, WALLACE of Dexter, WARD of Dedham.

Bill "An Act Amending the So-called 'Good Samaritan' Laws"

(H.P. 151) (L.D. 195)

Sponsored by Representative GINZLER of Bridgton.  
Cosponsored by Senator KEIM of Oxford and Representatives: GUERIN of Glenburn, LOCKMAN of Amherst, MOONEN of

Portland, PICKETT of Dixfield, STEARNS of Guilford, TUELL of East Machias, WADSWORTH of Hiram, WARD of Dedham.

Bill "An Act To Protect Personal Information of Participants in a Community Well-being Check Program"

(H.P. 152) (L.D. 196)

Sponsored by Representative MALABY of Hancock.

Cosponsored by Representatives: CHACE of Durham, HARVELL of Farmington, HEAD of Bethel, HYMANSON of York, NADEAU of Winslow.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination

(H.P. 153) (L.D. 197)

Sponsored by Representative RECKITT of South Portland.  
Cosponsored by Senator VITELLI of Sagadahoc and Representatives: BATTLE of South Portland, BROOKS of Lewiston, JORGENSEN of Portland, PARKER of South Berwick, RILEY of Jay, TALBOT ROSS of Portland, Senator: MILLETT of Cumberland.

Bill "An Act To Protect Landlords from Lawsuits for Damage or Harm Caused by Assistance Animals"

(H.P. 154) (L.D. 198)

Sponsored by Representative ORDWAY of Standish.

Cosponsored by Senator WOODSOME of York and Representatives: HANINGTON of Lincoln, HARRINGTON of Sanford, KINNEY of Limington, PICKETT of Dixfield, STETKIS of Canaan, STEWART of Presque Isle, TURNER of Burlington, Senator: COLLINS of York.

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

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

Sent for concurrence.

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Bill "An Act To Implement Decibel Limits for Mechanical Rockweed Harvesters"

(H.P. 155) (L.D. 199)

Sponsored by Representative McCREIGHT of Harpswell.  
Cosponsored by Senator VITELLI of Sagadahoc and Representatives: ALLEY of Beals, BABBIDGE of Kennebunk, BATTLE of South Portland, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BLUME of York, Senators: CARSON of Cumberland, CHENETTE of York.

Bill "An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance"

(H.P. 156) (L.D. 200)

Sponsored by Representative SIMMONS of Waldoboro.  
Cosponsored by Representatives: O'CONNOR of Berwick, PIERCE of Dresden, SPEAR of South Thomaston.

Bill "An Act To Provide Flexibility in the Purchase of Lobster and Crab Trap Tags"

(H.P. 157) (L.D. 201)

Sponsored by Representative KUMIEGA of Deer Isle.

Bill "An Act To Abolish Municipal Shellfish Ordinances"

(H.P. 158) (L.D. 202)

Sponsored by Representative SIMMONS of Waldoboro.  
Cosponsored by Representatives: O'CONNOR of Berwick, PIERCE of Dresden.

Bill "An Act To Establish a Statewide Scallop Harvesting Limit and Extend the Scallop Season"

(H.P. 172) (L.D. 233)

Sponsored by Representative ALLEY of Beals.

Cosponsored by Senator MAKER of Washington and Representatives: DEVIN of Newcastle, HANINGTON of Lincoln, HUBBELL of Bar Harbor, LUCHINI of Ellsworth, PERRY of Calais, Senator: LANGLEY of Hancock.

Committee on **MARINE RESOURCES** suggested and ordered printed.

**REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

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Bill "An Act To Opt Out of Federal Daylight Saving Time and To Ask the United States Secretary of Transportation To Place the State in the Atlantic Time Zone"

(H.P. 159) (L.D. 203)

Sponsored by Representative BAILEY of Saco.

Cosponsored by Representatives: DILLINGHAM of Oxford, TUELL of East Machias.

Bill "An Act To Clarify the Status of a Certain Section of the Pelletier Road in the Town of Frenchville as a Town Way"

(H.P. 173) (L.D. 234)

Sponsored by Representative MARTIN of Sinclair.

Cosponsored by Senator JACKSON of Aroostook.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

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Bill "An Act To Exempt Veterans with ALS from the Excise Tax on Automobiles"

(H.P. 160) (L.D. 204)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Senator CARSON of Cumberland and Representatives: DEVIN of Newcastle, DUCHESNE of Hudson, FAY of Raymond, HANINGTON of Lincoln, LONGSTAFF of Waterville, MAREAN of Hollis, McCREA of Fort Fairfield, WARD of Dedham.

Bill "An Act To Exempt Certain International Athletic Competition Prizes from Maine Income Tax"

(H.P. 161) (L.D. 205)

Sponsored by Representative ORDDAY of Standish.

Cosponsored by Senator MAKER of Washington and Representatives: GERRISH of Lebanon, HANINGTON of Lincoln, HARRINGTON of Sanford, KINNEY of Limington, McCREA of Fort Fairfield, PICKETT of Dixfield, STEWART of Presque Isle, TURNER of Burlington.

Bill "An Act To Exempt Feminine Hygiene Products from Sales Tax"

(H.P. 162) (L.D. 206)

Sponsored by Representative CAMPBELL of Orrington. (BY REQUEST)

Cosponsored by Representatives: DeCHANT of Bath, TEPLER of Topsham, Senator BREEN of Cumberland and Representatives: BERRY of Bowdoinham, BICKFORD of Auburn, COOPER of Yarmouth, HANINGTON of Lincoln, HANLEY of Pittston, HEAD of Bethel, Senators: DIAMOND of Cumberland, DILL of Penobscot.

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

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

Sent for concurrence.

Resolve, To Designate a Bridge in East Machias as the Norman E. Bagley Memorial Bridge

(H.P. 163) (L.D. 207)

Sponsored by Representative TUELL of East Machias.

Cosponsored by Senator MAKER of Washington and Representatives: ALLEY of Beals, PERRY of Calais, TURNER of Burlington.

Bill "An Act To Add Vehicles Hauling Animal Bedding to Those Exempt from Posted Road Restrictions" (EMERGENCY)

(H.P. 164) (L.D. 208)

Sponsored by Representative KINNEY of Knox.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: BLACK of Wilton, DUNPHY of Old Town, GILLWAY of Searsport, HICKMAN of Winthrop, MAREAN of Hollis, SKOLFIELD of Weld, TIMBERLAKE of Turner, Senator: DILL of Penobscot.

Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

(H.P. 165) (L.D. 209)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Representatives: BRYANT of Windham, GILLWAY of Searsport, McLEAN of Gorham, Senators: COLLINS of York, MIRAMANT of Knox.

Bill "An Act To Allow Disabled Veterans To Have More Than One Set of Disabled Veteran License Plates"

(H.P. 166) (L.D. 210)

Sponsored by Representative WALLACE of Dexter.

Cosponsored by Senator WHITEMORE of Somerset and Representatives: BLACK of Wilton, FARRIN of Norridgewock, KINNEY of Limington, PICCHIOTTI of Fairfield, SIMMONS of Waldoboro, TURNER of Burlington, Senator: DAVIS of Piscataquis.

Bill "An Act To Allow Extra Lights on the Front of a Motorcycle"

(H.P. 175) (L.D. 242)

Sponsored by Representative STANLEY of Medway. (BY REQUEST)

Cosponsored by Representatives: ALLEY of Beals, HICKMAN of Winthrop, NADEAU of Winslow.

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

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

Sent for concurrence.

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Bill "An Act To Require a State Automobile Inspection Biannually"

(H.P. 167) (L.D. 211)

Sponsored by Representative CEBRA of Naples.

Cosponsored by Representative STEARNS of Guilford and Representatives: DILLINGHAM of Oxford, HANINGTON of Lincoln, HARRINGTON of Sanford, PARRY of Arundel, SANDERSON of Chelsea.

Committee on **TRANSPORTATION** suggested.

Representative McLEAN of Gorham moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending the motion of Representative McLEAN of Gorham to **INDEFINITELY POSTPONE** the Bill and all accompanying papers and later today assigned.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each State Senatorial District

(H.P. 168) (L.D. 212)

Sponsored by Representative HARVELL of Farmington.  
Cosponsored by Senator VOLK of Cumberland and Representatives: FARRIN of Norridgewock, FREDETTE of Newport, HAWKE of Boothbay Harbor, O'CONNOR of Berwick, PARRY of Arundel, SANDERSON of Chelsea, STETKIS of Canaan, WARD of Dedham.

Bill "An Act To Provide Funds for Access for Veterans Seeking Health Care" (EMERGENCY)

(H.P. 169) (L.D. 213)

Sponsored by Representative GOLDEN of Lewiston.  
Cosponsored by Senator LIBBY of Androscoggin and Representatives: CASÁS of Rockport, FARRIN of Norridgewock, HANINGTON of Lincoln, LUCHINI of Ellsworth, TEPLER of Topsham, Senator: COLLINS of York.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification (EMERGENCY)

(H.P. 170) (L.D. 214)

Sponsored by Representative GOLDEN of Lewiston.  
Cosponsored by Senator JACKSON of Aroostook and Representatives: CASÁS of Rockport, FARRIN of Norridgewock, HANINGTON of Lincoln, LONGSTAFF of Waterville, LUCHINI of Ellsworth, Senators: COLLINS of York, LIBBY of Androscoggin, MASON of Androscoggin.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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Bill "An Act To Require a License for the Possession, Sale, Cultivation or Transportation of Marijuana for Recreational Use"

(H.P. 171) (L.D. 215)

Sponsored by Representative BATTLE of South Portland.  
Cosponsored by Senator DOW of Lincoln and Representatives: DEVIN of Newcastle, DILLINGHAM of Oxford, FARRIN of Norridgewock, HANINGTON of Lincoln, HARRINGTON of Sanford, HARVELL of Farmington, POULIOT of Augusta, WHITE of Washburn.

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested and ordered printed.

**REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

Sent for concurrence.

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

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#### ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 18)

ORDERED, that Representative Jennifer L. DeChant of Bath be excused January 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Haggan of Hampden be excused January 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused January 10 and 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Harold L. Stewart III of Presque Isle be excused January 19 for personal reasons.

**READ and PASSED.**

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On motion of Representative GOLDEN of Lewiston, the following House Order: (H.O. 19)

ORDERED, that the House Rules be amended by amending House Rule 109 by adding at the end a new paragraph to read:

The taking of photographs, videotaping or recording on the floor of the House is prohibited, except that a member may request, on a case-by-case basis, permission to be photographed, videotaped or recorded as that member is addressing the House, which may be permitted only with the consent of at least one fifth of the members present. This paragraph does not apply to the videotaping of House proceedings approved by the Legislative Council and made available on the Maine State Legislature's website.

**READ.**

On motion of Representative GOLDEN of Lewiston, House Rule 524 was **SUSPENDED** for the purpose of voting on this House Order without **TABLING** it one Legislative day.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Madam Speaker. Currently House Rule 109 allows for us to, as Members of the House, to use personal electronic devices for business conducted in the House or personal business as long as it's not a distraction to other members in the body. Some of you may have seen a little bit of following about this in the news. One of the reasons why I brought this rule forward originally, in its original form, through Representative Espling, was to be able to use Facebook Live to record what's happening here in the House to share with our constituents. We modified that proposal now and Representative Golden has put forward a change that would require a one-fifth vote of the Members of the House in order for us to take photographs, record video and share with other people. I think that this is good because it puts an awareness about when somebody else in this chamber may be recording you and kind of cuts down on the use of personal electronic devices flying around and being a distraction to others. So hopefully you will support this change. I think it's a good one. Right now there is a lot of ambiguity in the House Rule as to how a member can use a personal electronic device and what is considered business of the House and what isn't, really is kind of at the discretion of the Speaker and that could change from one Speaker to the next. So hopefully this takes some of that ambiguity out of it and makes it clearer for us to all know that if we are going to take photos or video with our personal electronic device we have to ask for permission to do that, and get the approval from the members, at least one-fifth of us who are here. Thank you.

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

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

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

Representative **MARTIN**: Thank you, Madame Speaker, and Members of the House. I am opposed to this order. It sets I think very bad precedent. Decorum is extremely important to the process and this flies in the face of that decorum. For pictures to be taken, for films to be taken by individual members and used then on social media is not the way Maine ought to go. At the present time, if someone wants to see what they have and what they've said, under the new process that was put in place last year, you can actually access that on our system. All you have to do is refer back to the day, the time and the item that you want, and you can download all of that information. My fear of the use of this process that we are using now is that it will then provide an ability for someone to film, go home, amend it, change it and then put it out on the web. I don't believe that social media should be used for that purpose by a legislative body. As a matter of fact, based in part on what took place in Washington in the House of Representatives, some of which you saw last year during that so called sit down, those rules are being changed there to prevent that from happening again. That's why I do not believe that that should be used. The present rule allows the presiding officer to decide whether or not and to stop people who are using that media. This should not be an opportunity for someone to do taping and then use it for their own advantage, whether it be political or otherwise. I do not believe that we should allow that to take place. And I would urge the members of the House to not vote for the passage of this order.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I want to applaud Representative Pouliot for bringing this matter forward because it is a reality. It's the world that we live in today. So much of our news and our media, political discourse is on Facebook. I do think, however, though there are places where we should limit that. But I think one of those places is here. I'm an attorney and when I'm in court, people have to take their hat off and you cannot use Facebook when, you know -- video recording when someone's in court. Because I don't think that's a proper forum where Facebook should be had. But I think as a matter of discourse today, I think we have plenty of political discourse that goes on every day. And it's, at least from my perspective, the work that we do in this chamber, I think we provide public access via the cameras. And have other ways of doing it, but I think to the extent that we conduct ourselves in here in a certain way, I believe that I agree with the good Representative from Eagle Lake that it would be a fairly significant change. I don't think it's one that I think we're ready for yet. And I will not be supporting the proposed rule change. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Madam Speaker. So this is my third term and I've never risen a second time to speak but I think it's important to clarify something here in light of the comments that were just made. So currently I'm just going to read the House Rule, and then the proposed change so that we are clear here on what we're voting on because I think there's some confusion. During all sessions of the House a member shall restrict that members use of all personal

electronic communication devices to personal business and business of the House and shall in such use exercise high standards of discretion, conduct and decorum. As I read that right now, and I'm no attorney, I think that I can use my personal electronic device to take a photo of Representative Hilliard if I like when he's speaking and post that to my Facebook page and say, Representative Hilliard just spoke on this particular bill that we are talking about and here's what I think about it. I'd be using high standards of discretion, conduct and decorum. In my opinion. So the proposed change says, the taking of photographs, videotaping or recording on the House floor is prohibited. Exactly what the good Representative from Eagle Lake wants, except that a member may request on a case-by-case basis permission to be photographed, videotaped or recorded as that member is addressing the House, which may be permitted only with the consent of at least one-fifth of the members present. This paragraph does not apply to videotaping of House proceedings approved by the Legislative Council made available on the Maine State Legislature's website. So, you know, if you want, we can keep the House Rule the way it is. I think it's going to open it up to a lot of interpretation based on different members' opinions about what is allowed and what's not. But there's certainly nothing prescribed in the current House rule that would limit somebody's ability to videotape or take a photograph or record anything. So if you are in favor, I suppose of less ambiguity in the rule and more prescription that's in favor, in my opinion at least, of the proposed rule change that's been put forward by the good Representative from Lewiston.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in support of passage of the pending order. The amendment to House Rule 109 in my view clarifies our current rule and rather than leaving it in the hands of the Speaker or any future Speaker. It allows some degree of control by members of the House, using essentially the same procedure that we use for roll calls. I'm really focused here on clarity in the rules. I think that's one thing that we all value, and on transparency in our proceedings. And I think those two things are what this new rule would allow us. Under the current Rule 109, it's unclear. It's entirely in the hands of the Speaker as to whether video or photographs or Facebook Live or any other method are used or not used. And while I have the utmost trust and confidence in our current Speaker, I can't say that that will always be the case. I think that it should not be necessarily just one person's decision as to whether a photograph or video is appropriate.

So clarity is one thing. Transparency, currently Rule 109, if it's interpreted as meaning no photographs in the House, no video in the House, provides essentially for less transparency. If we want transparency, we want to bring the people into the process, bring the people into the House, because it is theirs after all, then we should support the motion by the good Representative from Lewiston, support the effort by the good Representative from Augusta and make ourselves available, again with the permission of at least one-fifth of the members present. I don't think there's any perfect decision that we can make here. I'm not going to lose sleep if this motion fails, but I do think that this is an effort to modernize, to clarify, and to make our proceedings more transparent. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, the rule as read to us here I think has by precedent been interpreted that our phones and our computers were okay for communication but never visual recording. That in my several terms has not been accepted by the Speakers of the House. And perhaps that deserves clarification. The amendment that's proposed here is not particularly damaging, it does overtly provide that we must assent to people taking pictures. But what I fear is that it will become average practice for us to precede any of our remarks with this permission to do so. Just like in Washington when a Representative gets up and said I reserve the right to revise and extend my remarks. Something that is automatic so that no matter what they say on the floor of the House or floor of the Senate for that matter, they may change the record according to their own whims and wishes after the fact. So I do not think it reflects well on us to be constantly making that request. And I think transparency is not the issue here because we have recordings of the House done on a daily basis. I wish it was still done by public television like it once was, but it has been drastically improved and so I don't think transparency is the real issue here. I think decorum and respect for each other. I do fear that in the final days of the session when we are here for long hours, that the tendency for Facebook Live to be used that might in some way demean the House could be used and I think it's a bad path for us to begin. I wanted to share that with you. Thank you, Ladies and Gentlemen.

The **SPEAKER**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm under the belief that when that red light comes on, I'm being miked and, hello, cruel world, the film is on. Transparency in this modern era might be what my daughter calls, TMI, too much information. My sense is that in this openness that we plan, this standard becomes set and members begin to talk to each other less and less and less. And let's not forget that Otto von Bismarck said 150 years ago, there's two things the public doesn't want to witness, the making of sausage and legislation. I know that the way we're headed with social media just makes me want to take up smoking and head for the nearest smoke filled room.

The **SPEAKER**: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. I wasn't going to speak but I just want to rise to say that even when you offer us the option of removing our jackets, I never do. This is hallowed space. This is a hallowed place. It does not need to be tainted or diminished by Facebook or anything else in social media, and I am a young person still. And so I will be voting against this vehemently. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Golden.

Representative **GOLDEN**: Thank you, Madam Speaker. I just want to take a moment and say that I recognize both the potential positive and negative effects of having social media on the House floor. When this House Order originally came before the House Rules Committee, I was very skeptical in leaning towards not supporting the House Order. What has been persuasive to me is conversations I have had basically acknowledging, I think as we look around the House, that this is already very much in practice. Members are using electronic devices, they are often taking photographs and I assume at times also video recording. And the current language of House Rule 109, I believe, is vague and complicated for the purposes

of enforcement. And so I really view this House order before us as a compromise that I would describe as both prohibitive and permissive on a case-by-case basis. Prohibitive in that it very clearly states that you cannot take photographs and you cannot video record or use social media on the House Floor without having first sought the permission of the House for yourself to be recorded or photographed as you address this body. I certainly very much appreciate the concerns of everyone that I've heard today and I recognize that there could be negative effects. I think we put a lot of trust in one another out here on the House floor. We, you know, respect one another, we treat each other well and we follow decorum. And I'm willing to, you know, in the interest of making this House more accessible to the general public, I'm willing to put my trust in my colleagues that we will not abuse this opportunity. I do want to say too, just something that was very moving to me that I read about this issue, people recognizing the potential dangers of social media on the House floor but saying arguments against the proposal are not an argument for banning Facebook Live and other social media programs during legislative debates; instead they're an argument for creating an atmosphere in this chamber in which legislators can use new technologies in a way consistent with the traditions of the House. I think that's what this House Order represents. I will be supporting it, and thank you very much.

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

Representative **TUELL**: Thank you, Madam Speaker. I will be opposing the current order for many of the reasons that have been discussed but I would also like to bring everyone's attention to the fact that we have a very able, competent and hardworking chamber staff. And while we may focus on ourselves here today, it is our chamber staff that has made this place go for generations. And I think whether this passes or it fails, we all ought to at least acknowledge the basic fact that they are keeping this place going and they have done a fairly good job keeping people, keeping the rules enforced, and keeping things moving smoothly. And I think by passing this we are going to put something on them as well that is only going to open them up for more criticism and more increased scrutiny that they shouldn't, quite frankly, have to deal with when we already have, as people have mentioned, the cameras and everything else going on upstairs and it is very accessible. So I, too, will be voting no on this motion. Thank you.

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

#### ROLL CALL NO. 5

YEA - Ackley, Alley, Austin B, Bailey, Berry, Cardone, Chapman, Daughtry, Doore, Fecteau, Fuller, Gattine, Golden, Grohman, Guerin, Hamann, Harlow, Harrington, Hilliard, Hubbell, Kumiega, Longstaff, Luchini, Lyford, Madigan C, McCrea, Melaragno, Monaghan, Moonen, Nadeau, Pierce J, Pouliot, Riley, Sanborn, Stewart, Tepler, Terry, Tucker, Ward, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Babbidge, Bates, Battle, Beebe-Center, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Casas, Cebra, Chace, Collings, Cooper, Corey, Craig, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Foley, Fredette, Frey, Gerrish, Gillway, Ginzler, Grant, Grignon, Handy, Hanington, Hanley, Harvell, Hawke, Herbig, Herrick, Hickman, Higgins, Hogan, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M,

Kornfield, Lawrence, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCreight, McElwee, McLean, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce T, Prescott, Reckitt, Reed, Rykerson, Sampson, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Strom, Sutton, Sylvester, Talbot Ross, Timberlake, Tipping, Tuell, Turner, Vachon, Wadsworth, White, Winsor, Wood.

ABSENT - Haggan, Head, Lockman, Theriault, Wallace.

Yes, 42; No, 104; Absent, 5; Excused, 0.

42 having voted in the affirmative and 104 voted in the negative, with 5 being absent, and accordingly the House Order **FAILED PASSAGE**.

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## REPORTS OF COMMITTEE

### Ought to Pass as Amended - Orders

Representative GOLDEN from the Committee on **HOUSE RULES** on House Order, To Amend House Rules by adding a new subsection 14 regarding Roll Call voting percentages

(H.O. 16)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (H-2)**.

Report was **READ** and **ACCEPTED**. **Committee Amendment "A" (H-2)** was **READ** by the Clerk.

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

Representative **FREDETTE**: Thank you, Madam Speaker. I just want to make sure our caucus, I think my sense was, it would like to request a roll call on this. I want to make sure we do that at the appropriate time.

The Speaker: Right now we are dispensing with the reading and after that it will be the appropriate time.

Representative **FREDETTE**: Thank you, Madam Speaker.

Subsequently, **Committee Amendment "A" (H-2)** was **ADOPTED**.

On motion of Speaker GIDEON of Freeport, House Rule 524 was **SUSPENDED** for the purpose of voting on this House Order without **TABLING** it one Legislative day.

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

Representative **HARLOW**: Thank you, Madam Speaker. I just wanted to give a brief explanation as to why I presented this rule change and what it does. About three years ago, I went in to the Speaker, I had had some major health issues and I had planned all of my treatments around session. And session was going to be long, going longer than the statutory adjournment date, so I went in to see if I could get an excused absence on the day that I was receiving treatment. And at the time the Speaker told me that there was no option for me to get an excused absence, and I felt like I didn't want to see anybody else go in to the Speaker with a major health issue and not have them have the option to have an excused absence. Currently, we have one way for somebody to receive an excused absence and that's the Conflict of Interest Exemption. And the Speaker grants that excuse and that's how this rule was drafted and why it was drafted the way it was. So with the approval of the Speaker, if you have a debilitating or incapacitating illness, major illness or injury, the Speaker may grant you an excused absence. We are not talking about the flu, we are talking about incredibly life threatening injuries or illnesses. This is when somebody doesn't have control over being here or a choice whether or not they would be here. Trust me, I hope you never have to

use this, but you would much rather be in this chamber than sitting in a bed, in a hospital bed, or in a treatment chair. I feel confident that any Speaker regardless of party, and I have served here when the party opposite of mine was in control, in power in the chamber, and I feel very confident that had I gone to this person and we had this, the Speaker was Speaker Nutting, if I had gone to him, I'm sure that he would have given me an excused absence. I have no doubt of that. So if there is any concern over partisanship, I think that when somebody's going through something major I think partisanship does not play into it when it comes to health issues. So I hope that you can support this. I just don't want somebody else down the road when they have a major health issue to have it effect their roll call percentage. Thank you, Madam Speaker.

Representative **ESPLING** of New Gloucester **REQUESTED** a roll call on **PASSAGE as Amended by Committee Amendment "A" (H-2)**.

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

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

Representative **ESPLING**: Thank you, Madam Speaker. I just wanted to add some comments to what the good Representative from Portland was saying. I support this rule change. I think the Committee did some good work. I think they came to a good solution. As someone who has also in the past been very ill, I understand the need for something like this in extreme circumstances. And so I will be supporting this order and I hope you will follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I had the unfortunate circumstance last spring at the end of the session, the last two weeks of the session, to be hospitalized in intensive care for much of that, in two different hospitals. And I was unable to be here in the House. And as we all know, a great lot of work is accomplished during those last two weeks and so my voting record took a real hit. And if the wee beasties inside of me had done their timing better it would have been this time of the session rather than the last two weeks. However, I had little -- I had no control over that. So I support this motion. I think that for situations like that, that unforeseen catastrophic illnesses, there ought to be some consideration. Thank you, Madam Speaker.

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

Representative **GINZLER**: Thank you, Madam Speaker. I rise in opposition to this change in the House rule and the reason for that is that although I am very sympathetic to the argument being made, and certainly people, our colleagues who are absent through it's totally out of their control, I am very sympathetic to that. However, when we in fact publish the percentage of attendance and voting record, we are in affect telling our constituents the amount of time that they were represented here in the House and in votes. So what I'm saying is that even though I am sympathetic, this is not about the legislator, it is about our constituents. And even though it's unfortunate that these things happen, the fact of the matter is that when we are out of chamber and when we are not voting, the fact of the matter is our constituents are not represented and they do not have a voice and that is what that figure represents. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am definitely sympathetic with this, however, we are here to vote. And I understand that people do have debilitating illnesses and I think there might be a better way to do this. The people do want to know how much we have been here. If those illnesses are beyond our control, I think there's got to be a better way to do this. And this could be to put next to our percentages -- say we were out, if there is 100 votes, just to make things simple, and we missed 22 of those votes because we've had a debilitating illness and can't be here and it's excused, I think that we could in the final voting tally say that 22 percent of those votes were because of a debilitating illness, however, the member when able to be there could get, did vote 78 percent of the time. I also believe that it is our constituents that should know, and if we aren't there they will forgive us if we can't be here. And I do sympathize 100 percent but I think they should know how much we've been here. Thank you.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Passage of the House Order as Amended by Committee Amendment "A" (H-2). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 6**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Chapman, Collings, Corey, Craig, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Foley, Frey, Fuller, Gattine, Gerrish, Golden, Grant, Grohman, Hamann, Harlow, Harrington, Harvell, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parker, Perry, Pierce J, Pierce T, Pouliot, Reed, Rykerson, Sanborn, Schneck, Sheats, Sherman, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Black, Casas, Cebra, Chace, Cooper, Dillingham, Farrin, Fecteau, Gillway, Ginzler, Grignon, Guerin, Hanington, Hanley, Hawke, Hilliard, Johansen, Malaby, O'Connor, Parry, Perkins, Picchiotti, Pickett, Prescott, Reckitt, Riley, Sampson, Seavey, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Ward, Winsor.

ABSENT - Fredette, Haggan, Handy, Head, Lockman, Sanderson, Theriault, Wallace.

Yes, 100; No, 43; Absent, 8; Excused, 0.

100 having voted in the affirmative and 43 voted in the negative, with 8 being absent, and accordingly the House Order was **PASSED as Amended by Committee Amendment "A" (H-2)**.

**Divided Report**

Majority Report of the Committee on **HOUSE RULES** reporting **Ought Not to Pass** on House Order To Amend the House Rule Regarding Reconsideration

(H.O. 10)

Signed:

Representatives:

GOLDEN of Lewiston  
MARTIN of Eagle Lake  
BERRY of Bowdoinham

SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass** on same House Order.

Signed:

Representative:

MAREAN of Hollis

**READ.**

Representative GOLDEN of Lewiston moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

**ROLL CALL NO. 7**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grignon, Guerin, Hanington, Hanley, Harrington, Harvell, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Fredette, Haggan, Handy, Head, Lockman, Theriault, Wallace.

Yes, 81; No, 63; Absent, 7; Excused, 0.

81 having voted in the affirmative and 63 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED**.

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, January 24, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund"

(H.P. 98) (L.D. 140)

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested)  
TABLED - January 19, 2017 (Till Later Today) by Representative GATTINE of Westbrook.  
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, ordered printed and sent for concurrence.

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Bill "An Act To Prohibit the Mining of Massive Sulfide Ore Deposits on State Lands"

(H.P. 117) (L.D. 159)

(Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested)  
TABLED - January 19, 2017 (Till Later Today) by Representative TUCKER of Brunswick.  
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, ordered printed and sent for concurrence.

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Bill "An Act To Require Tamper-evident Packaging for Recreational Marijuana Products"

(H.P. 122) (L.D. 164)

(Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested)  
TABLED - January 19, 2017 (Till Later Today) by Representative FECTEAU of Biddeford.  
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the **JOINT SELECT COMMITTEE ON MARIJUANA LEGALIZATION IMPLEMENTATION**, ordered printed and sent for concurrence.

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The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Bill "An Act To Require a State Automobile Inspection Biannually"

(H.P. 167) (L.D. 211)

Which was **TABLED** by Representative ESPLING of New Gloucester pending the motion of Representative McLEAN of Gorham to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

Subsequently, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

**ENACTORS**  
**Emergency Measure**

An Act To Delay the Implementation of Certain Portions of the Marijuana Legalization Act

(H.P. 66) (L.D. 88)

(C. "A" H-1)

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

Representative HERBIG of Belfast **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**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Madam Speaker. Sorry for the adjustments here with the microphone. I rise today in strong support of the matter before us. While there will be no doubt, there'll be a lot of discussion around recreational marijuana this Legislature. It is important that we take this initial step here today to offer the Maine people some basic protections and assurances, that we are in fact looking out for the safety of and well-being of Mainers of all ages. Some have argued that by passing this legislation and last week establishing a Select Committee to deal with marijuana issues, we are in fact casting ourselves as the pot Legislature and therefore, somehow, we're incapable of dealing with the heroin crisis, education, welfare reform and so forth, and many other very important issues that the people of our district sent us here to meat out. To that, I would simply say that the Maine Legislature can walk and chew gum at the same time. They are people, especially those in areas like Washington County, that rejected a pot legalization 52 percent to 48, expects us to deal with the situation before us, not hopelessly bemoan our fates or wish for a different outcome. Madam Speaker, this bill before us recognizes just that. It recognizes the fact that there are some glaring loopholes in the referendum that passed, loopholes that have parents and grandparents of young children scared, loopholes that have police handcuffed by an ambiguous and poorly crafted law, loopholes that have towns of all sizes at the mercy of an industry nobody really has their arms around quite yet. We could delay this emergency legislation before us in a vain effort to make it perfect. And to be clear, earlier today I certainly signed on and felt we should make some changes. But at the end of the day, let's be rest assured that all we would be doing by delaying it is serving their own vanity and not clearing up, once and for all, some of the most glaring and lingering issues myself and others have raised throughout this entire process. That there is even a question whether someone under 21 could get and use marijuana legally ought to be reason enough to pass this legislation today. The municipalities around the state, some who voted for the legalization and some who voted against it, are now having to get down in the weeds without the legal and technical resources to do so, ought to alarm each of us and ought to spur us to action today. That they're marijuana products out there that most of us can't even comprehend, ought to spur us to action today. That our schools, hospitals, public places are on the front lines in legalization, ought to be of utmost concern and really ought to spur us to action today. That Maine employers, logging operations, truckers, police, emergency services, fisherman, just to name a few, are concerned about the future of marijuana in their industry need our guidance on this matter, ought to spur us to action today. Not tomorrow, not next week, not with any other delays, not in pursuit of a better deal, not because it's a game, not because it's one side or the other trying to outscore the other, but because all of those I have mentioned and more expect us to rise to this challenge and pass this legislation without delay. I want to close by complimenting the members of the Veterans and Legal Affairs Committee for dealing with such a complicated matter in such a responsive and responsible manner, way, but for acting not as democrats and republicans but representatives of big cities like Ellsworth and small towns like Lincoln, first and foremost. Madam Speaker, I urge you and everyone in this chamber, on both sides of the aisle, to join me in voting for this motion here before us today. Thank you.



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

Representative **ESPLING**: Thank you, Madam Speaker. I just want to rise today to just address some concerns. I think the vote today will recognize the timeliness of this issue and we understand the importance of this at this time, but I do have concerns about this not going to BABLO and that we won't have the funding for rulemaking. I think this bill falls short. I think it misses the mark. I think our caucus has strong concerns moving forward and as well as the Chief Executive, and I think those concerns are valid and will need to be addressed sooner than later. So while we vote today understanding the timeliness of the issue, we still have great concerns moving forward. Thank you.

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. 8**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Ward, Warren, White, Winsor, Zeigler, Madam Speaker.

NAY - NONE.

ABSENT - Fredette, Haggan, Kinney M, Lockman, Theriault, Timberlake, Wallace, Wood.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, 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**

Bill "An Act Regarding the Place of Imprisonment of Certain Prisoners"

(S.P. 63) (L.D. 217)

Bill "An Act To Curb Drunk Driving by Prohibiting a Person Convicted of Operating Under the Influence from Purchasing Alcohol"

(S.P. 71) (L.D. 225)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Amend the Mathematics Requirements for High School Graduation"

(S.P. 74) (L.D. 228)

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

**REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Prohibit an Electric Utility from Charging a Customer for Using an Electromechanical Meter"

(S.P. 75) (L.D. 229)

Bill "An Act To Increase Transparency in Maine's Electricity Market"

(S.P. 86) (L.D. 240)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act To Exclude Cardboard Beverage Containers from the Laws Governing Returnable Beverage Containers"

(S.P. 73) (L.D. 227)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

**REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"

(S.P. 65) (L.D. 219)

Bill "An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program"

(S.P. 66) (L.D. 220)

Bill "An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility"

(S.P. 67) (L.D. 221)

Bill "An Act To Determine When the Remains of Deceased Persons May Be Considered Abandoned"

(S.P. 69) (L.D. 223)

Bill "An Act To Protect and Improve the Health of Maine Citizens and the Economy of Maine" (EMERGENCY)

(S.P. 72) (L.D. 226)

Bill "An Act To Increase Access to Head Start"

(S.P. 76) (L.D. 230)

Bill "An Act To Establish an Exemption to the 30-day Supply Limitation on Certain Pain Medication"

(S.P. 78) (L.D. 232)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.  
**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

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Bill "An Act To Require National Banks To Cooperate in the Administration of the General Assistance Program"  
(S.P. 85) (L.D. 239)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.  
On motion of Representative HERBIG of Belfast, the Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE** and sent for concurrence.

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Bill "An Act Regarding Maine's Moose Lottery"  
(S.P. 68) (L.D. 222)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.  
**REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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Bill "An Act To Establish a State Bank"  
(S.P. 83) (L.D. 237)

Came from the Senate, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.  
**REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

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Bill "An Act To Reduce Criminal Justice System Costs by Allowing Arraignments and Hearings in the Unified Criminal Docket To Be Held by Means of Audiovisual Telecommunications"  
(S.P. 64) (L.D. 218)

Bill "An Act Regarding Actions for Failure To Follow Condominium Association Requirements"  
(S.P. 70) (L.D. 224)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.  
**REFERRED** to the Committee on **JUDICIARY** in concurrence.

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Bill "An Act To Repeal the Service Provider Tax"  
(S.P. 79) (L.D. 235)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.  
**REFERRED** to the Committee on **TAXATION** in concurrence.

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Resolve, Directing the Department of Transportation To Erect Signs on Interstate 95 Directing Motorists to Lincoln  
(S.P. 62) (L.D. 216)

Bill "An Act To Update Accessibility Requirements on Highways"  
(S.P. 80) (L.D. 236)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

**REFERRED** to the Committee on **TRANSPORTATION** in concurrence.

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The following Joint Order: (S.P. 87)

**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.

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

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

Representative **GINZLER**: Madam Speaker, I ask permission to speak on the record.

The **SPEAKER**: The Representative has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **GINZLER**: Thank you, Madam Speaker, and Colleagues in the House. I rise to recognize and celebrate School Choice Week and I would like to read the resolutions submitted by our colleague in the Senate. Resolution: Designating the week of January 22 through January 28, 2017 as National School Choice Week. Whereas providing a diversity of choices in K-12 education empowers parents to select education environments that meet the individual needs and strengths of their children. Whereas high quality K-12 education environments of all varieties are available in the United States, including traditional public schools, public charter schools, public magnet schools, private schools, online academies, and home schooling. Whereas talented teachers and school leaders in each of the education environments prepare children to achieve their dreams. Whereas more families than ever before in the United States actively choose the best education for their children. Whereas, more public awareness of the issue of parental choice in education can inform additional families of the benefits of proactively choosing, challenging, motivating an effective education environments for their children. Whereas, the process by which parents choose schools for their children is nonpolitical, nonpartisan, and deserves the utmost respect. And whereas hundreds of organizations, more than 9,000 schools and millions of individuals in the United States celebrate the benefits of educational choice during the seventh annual National School Choice Week held the week of January 22 through January 28, 2017. Now therefore, be it resolved that the Senate designates the week of January 22<sup>nd</sup> through January 28<sup>th</sup> as National School Choice Week and encourages all parents during National School Choice Week to learn more about the education options available to them. Thank you.

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

Bill "An Act To Change the Oversight Agency for Recreational Marijuana from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and To Allocate Funds for Implementation" (EMERGENCY)

(H.P. 176) (L.D. 243)

Sponsored by Speaker GIDEON of Freeport.

Cosponsored by President THIBODEAU of Waldo and Representatives: FREDETTE of Newport, GOLDEN of Lewiston, HERBIG of Belfast, Senators: CUSHING of Penobscot, JACKSON of Aroostook, LIBBY of Androscoggin, MASON of Androscoggin.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested and ordered printed.

**REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

Sent for concurrence.

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

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On motion of Representative RILEY of Jay, the House adjourned at 5:51 p.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. 87) and in honor and lasting tribute to Barbara Ann Frost, of Otis; David R. Hazen, of Dedham; Jason Anthony Lambert, of Dedham; Lloyd E. Turner, of East Orland; Milton "Butch" DeBarge, of Orland; Ruth A. Saunders, of Orland; and Barbara Anne Ferden, of Penobscot.