

# 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  
29th Legislative Day  
Thursday, April 13, 2017

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

Prayer by Honorable Sheldon Mark Hanington, Lincoln.  
National Anthem by Sanford High School Concert Band.  
Pledge of Allegiance.

Doctor of the day, Paul Cain, M.D., Oxford.

The Journal of Tuesday, April 11, 2017 was read and approved.

**SENATE PAPERS**

The following Joint Resolution: (S.P. 492)

**JOINT RESOLUTION DECLARING THE WEEK  
OF APRIL 9, 2017 AS MAINE PUBLIC SAFETY  
TELECOMMUNICATORS WEEK**

WHEREAS, the United States Congress recognizes the 2nd week of April as "National Public Safety Telecommunicators Week"; and

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

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

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

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

WHEREAS, Maine's public safety telecommunicators daily serve the public in countless ways without due recognition by the beneficiaries of their services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the week of April 9, 2017 as Maine Public Safety Telecommunicators Week.

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

**READ** and **ADOPTED** in concurrence.

Bill "An Act Governing Direct Primary Care Membership Agreements"

(S.P. 472) (L.D. 1385)

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

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.

**Non-Concurrent Matter**

Bill "An Act To Allow Tobacco Retail Establishments To Serve Alcohol"

(H.P. 923) (L.D. 1329)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on April 4, 2017.

Came from the Senate **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

Bill "An Act To Require That Candidates for the Office of County Sheriff Who Meet the Basic Corrections Training Standards Have Corrections Supervisory Experience"

(H.P. 360) (L.D. 497)

Majority (7) **OUGHT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 6, 2017.

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

The House voted to **INSIST**.

**COMMUNICATIONS**

The Following Communication: (H.C. 127)

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

April 11, 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 12, "An Act To Incorporate Protections for Living Donors into Maine Law."

Once again, the Legislature seeks to compel Maine to become an outlier in regulatory policy. This bill would make Maine one of the only states in the nation to prohibit life, long-term care, and disability insurers from considering living organ donor status among prospective policyholders.

While the decision to donate a kidney or other organ is commendable, it carries significant health risks that could affect other policyholders in the insurance context. It is important to note this bill does not apply to health insurance, where donors already have guaranteed issue rights and other important protections. It applies only to more discretionary policies that concern finances, such as life, long-term care, and disability income insurance. These types of coverage have always been subject to risk-based underwriting and rating, and prohibiting those practices would substantially change the nature of the market for these lines of insurance.

This bill would allow people to buy these coverages immediately prior to their organ donation procedure, which would create adverse selection and skew insurers' actuarial estimates. LD 12 is borne of good intentions but surely the

Legislature can think of a better way to help those who donate organs than making Maine the first state to tinker with voluntary insurer risk pools in this way.

For these reasons, I return LD 12 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,  
S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.** Sent for concurrence.

The accompanying item An Act To Incorporate Protections for Living Donors into Maine Law

(H.P. 13) (L.D. 12)  
(C. "A" H-6)

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Madam Speaker. I'm only going to give you a synopsis of this — very brief. Living donors should not face discrimination or unnecessary hardships because they have helped someone in need, but this is not the reality in some living donor's cases. My bill protects the living organ donors by prohibiting insurance companies from denying them coverage or increasing their premiums for life insurance, disability insurance, and long-term insurance. I appreciate being able to talk and I would like to have the Committee Report read, please.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

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

**ROLL CALL NO. 29V**

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, 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, Lockman, 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, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - NONE.

ABSENT - Campbell, Farrin, Grohman, Haggan.

Yes, 146; No, 0; Absent, 4; Excused, 1.

146 having voted in the affirmative and 0 voted in the negative, with 4 being absent and 1 excused,

146 voted in the affirmative and 0 in the negative and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 126)

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

April 13, 2017

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

Dear Speaker Gideon:

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

Education and Cultural Affairs

- L.D. 355 An Act Regarding Special Education Costs
- L.D. 420 An Act To Require Same-year State Valuations for Education Funding Purposes for Municipalities That Lose More Than 35 Percent of Their Tax Base
- L.D. 679 An Act To Reform School Testing Procedures
- L.D. 753 Resolve, To Promote Internet Safety in Schools
- L.D. 862 Resolve, To Establish a Pilot Program To Install Video Cameras in School Buses
- L.D. 865 Resolve, Directing the Department of Education To Determine the Effectiveness and Success of Charter Schools
- L.D. 866 An Act To Provide Additional Funds to Schools That Offer Residential Options
- L.D. 941 An Act To Facilitate the Purchase of Textbooks for Low-income College Students
- L.D. 1026 An Act To Assist Student Achievement
- Health and Human Services
  - L.D. 153 An Act Regarding Transportation of Methadone Patients
  - L.D. 326 An Act Regarding the Licensing of Family Foster Homes
  - L.D. 530 An Act To Ensure Medical Assessments for Youth in Foster Care
  - L.D. 531 An Act Regarding the Drug Crisis and Ensuring Access to HIV Testing
  - L.D. 1054 Resolve, To Expand Research To Fight Lyme Disease
- Inland Fisheries and Wildlife
  - L.D. 222 An Act Regarding Maine's Moose Lottery
  - L.D. 506 An Act To Allow Reciprocal Recognition of New Hampshire and Maine Snowmobile Registrations
  - L.D. 729 An Act To Make Maine's Public Boat Launching Ramps Accessible by Persons with Physical Disabilities
  - L.D. 844 An Act To Make Excessive Boat Noise a Public Nuisance
  - L.D. 933 An Act To Prohibit Personal Watercraft on Third Pond in Blue Hill
- Insurance and Financial Services
  - L.D. 722 An Act Regarding Uninsured Vehicle Coverage

- L.D. 870 An Act To Protect Life Insurance Beneficiaries
- L.D. 920 An Act Regarding Credit Card Interest Rates
- Labor, Commerce, Research and Economic Development
- L.D. 614 An Act To Establish a Presumption of Heart Disease or Hypertension in the Line of Duty for Corrections Officers under the Workers' Compensation Laws
- L.D. 776 An Act To Promote Fairness for Rural Maine Residents by Regulating Fuel Prices
- L.D. 927 An Act To Establish a Presumption of Impairment of Health in the Line of Duty for Corrections Employees under the Workers' Compensation Laws
- Marine Resources
- L.D. 431 An Act To Ensure Participation and Equity in the Shellfish Depuration Certification and Compensation Process for Municipalities
- L.D. 646 An Act Regarding Municipal and Regional Shellfish Management Programs
- L.D. 706 An Act To Increase the Quota for Smelts for Commercial Pelagic and Anadromous Fishing License Holders
- Transportation
- L.D. 120 An Act To Impose a Three-month Loss of a Driver's License for Driving While Texting
- L.D. 216 Resolve, Directing the Department of Transportation To Erect Signs on Interstate 95 Directing Motorists to Lincoln
- L.D. 436 An Act To Allow Intermediate Driver's License Holders To Drive between Midnight and 5:00 a.m. for School Activities
- L.D. 542 An Act To Increase Railroad Freight Safety
- L.D. 709 An Act Regarding the License Restrictions for New Drivers
- L.D. 710 An Act Regarding Emergency Lights on Firefighters' Personal Vehicles Used When Responding to Emergency Calls
- L.D. 711 An Act To Revise the Laws Governing Learner's Permits and Intermediate Driver's Licenses and Driver Education Textbook Requirements
- L.D. 787 An Act To Ease the Financial Burden on Maine Motorists by Repealing the Requirement That Certain Motor Vehicles Be Inspected
- L.D. 788 An Act To Require Motor Vehicles To Be Registered on a Biennial Basis
- L.D. 789 Resolve, To Require Infrastructure Projects Affecting Interstate 295 To Be Expedited
- Veterans and Legal Affairs
- L.D. 793 An Act To Limit Campaign Independent Expenditures
- L.D. 950 Resolve, To Study Using Blockchain Technology in Conjunction with Paper Ballots in Maine Elections (EMERGENCY)

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

The Following Communication: (H.C. 128)

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

April 13, 2017

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

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Agriculture, Conservation and Forestry has approved the request by the sponsor, Representative Black of Wilton, to report the following "Leave to Withdraw":

L.D. 418 An Act To Educate the Public on the Proper Use of Pesticides and To Promote Integrated Pest Management Using Existing Resources

Sincerely,  
S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: (S.C. 292)

**MAINE SENATE  
128TH LEGISLATURE  
OFFICE OF THE SECRETARY**

April 11, 2017

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

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Provide Matching Funds for Federal Community Development Block Grants" (H.P. 123) (L.D. 165), in non-concurrence.

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

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

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

**Divided Reports**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Require a Person Who Provides Illegal Drugs To Give Medical Aid to Another Person in Medical Distress Due to That Illegal Drug Transaction"

(S.P. 40) (L.D. 92)

Signed:  
Senators:

ROSEN of Hancock  
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell  
COREY of Windham  
GROHMAN of Biddeford

HERRICK of Paris  
LONGSTAFF of Waterville  
MAREAN of Hollis  
RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-19)** on same Bill.

Signed:  
Senator: CYRWAY of Kennebec

Representatives:  
GERRISH of Lebanon  
NADEAU of Winslow

Came from the Senate with the Majority **OUGHT NOT TO PASS Report READ and ACCEPTED.**  
**READ.**

On motion of Representative WARREN of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-24)** on Bill "An Act Regarding Refusing To Submit to Arrest or Detention"  
(H.P. 184) (L.D. 251)

Signed:  
Senators: CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:  
COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford  
HERRICK of Paris  
LONGSTAFF of Waterville  
MAREAN of Hollis  
NADEAU of Winslow

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

Signed:  
Senator: ROSEN of Hancock

Representatives:  
WARREN of Hallowell  
RECKITT of South Portland  
TALBOT ROSS of Portland

**READ.**

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

The Bill was **READ ONCE. Committee Amendment "A" (H-24)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-24)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Enhance Safety on School Property"  
(H.P. 235) (L.D. 321)

Signed:  
Senators: ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:  
WARREN of Hallowell  
GROHMAN of Biddeford  
HERRICK of Paris  
LONGSTAFF of Waterville  
MAREAN of Hollis  
RECKITT of South Portland  
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-25)** on same Bill.

Signed:  
Representatives: COREY of Windham  
GERRISH of Lebanon  
NADEAU of Winslow

**READ.**

On motion of Representative WARREN of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Refer to the Committee on Taxation** on Bill "An Act To Require a Dealer To Sell a Gun Lock with Every New Firearm"  
(H.P. 258) (L.D. 352)

Signed:  
Senators: ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:  
COREY of Windham  
GERRISH of Lebanon  
GROHMAN of Biddeford  
HERRICK of Paris  
LONGSTAFF of Waterville  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

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

Signed:  
Representatives: WARREN of Hallowell  
MAREAN of Hollis

**READ.**

Representative WARREN of Hallowell moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

Representative **WARREN**: Thank you, Madam Speaker. There are two reasons I move the Ought Not to Pass Report on this bill, one being that April, the middle of April, is not the time to refer bills to a new committee. Second, being that the title is not germane to the Tax Committee.

Subsequently, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Protect Maine Lakes and Ponds from Invasive Species" (H.P. 265) (L.D. 359)

Signed:

Senators:

CYRWAY of Kennebec  
CARPENTER of Aroostook  
WOODSOME of York

Representatives:

DUCHESNE of Hudson  
ALLEY of Beals  
LYFORD of Eddington  
MASON of Lisbon  
NADEAU of Winslow  
REED of Carmel  
STEARNS of Guilford  
THERIAULT of China  
WOOD of Greene

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

Signed:

Representative:

HARLOW of Portland

**READ.**

On motion of Representative DUCHESNE of Hudson, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, To Study the Feasibility and Cost of Providing Passenger Rail Service to the City of Bangor

(H.P. 315) (L.D. 435)

Signed:

Senators:

COLLINS of York  
ROSEN of Hancock

Representatives:

McLEAN of Gorham  
AUSTIN of Skowhegan  
BRYANT of Windham  
CEBRA of Naples  
GILLWAY of Searsport  
GRANT of Gardiner  
PARRY of Arundel  
PERKINS of Oakland  
SHEATS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-26)** on same Resolve.

Signed:

Senator:

MIRAMANT of Knox

Representative:

SCHNECK of Bangor

**READ.**

Representative McLEAN of Gorham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative HERBIG of Belfast **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. 30**

YEA - Ackley, Austin B, Austin S, Babbidge, Bailey, Battle, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Casas, Cebra, Chace, Collings, Cooper, Corey, Craig, DeChant, Denno, Dillingham, Duchesne, Espling, Fay, Foley, Fredette, Fuller, Gattine, Gerrish, Gillway, Ginzler, Grant, Grignon, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hymanson, Johansen, Kinney J, Kinney M, Kumiega, Lockman, Longstaff, Lyford, Madigan C, Malaby, Marean, Martin J, Mason, Mastraccio, McCreight, McElwee, McLean, Monaghan, Nadeau, O'Connor, Ordway, Parker, Parry, Perkins, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Sampson, Sanborn, Sanderson, Seavey, Sheats, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Talbot Ross, Tepler, Terry, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, White, Winsor, Wood, Madam Speaker.

NAY - Alley, Bates, Beebe-Center, Blume, Cardone, Chapman, Daughtry, Devin, Dunphy, Farnsworth, Fecteau, Frey, Golden, Guerin, Hamann, Handy, Harlow, Hubbell, Jorgensen, Kornfield, Lawrence, Luchini, Madigan J, Martin R, McCrea, Melaragno, Moonen, O'Neil, Perry, Picchiotti, Rykerson, Schneck, Sherman, Spear, Stanley, Sylvester, Theriault, Tipping, Wallace, Ward, Warren, Zeigler.

ABSENT - Campbell, Farrin, Grohman, Haggan.

Yes, 104; No, 42; Absent, 4; Excused, 1.

104 having voted in the affirmative and 42 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 11, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-18)** - Minority (4) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Phase Out the Use of Single-use Plastic Shopping Bags"

(H.P. 44) (L.D. 57)

TABLED - April 4, 2017 (Till Later Today) by Representative TUCKER of Brunswick.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative TUCKER of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you, Madam Speaker. The title of the amended bill, as amended, is "An Act To Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers." My history with single-use plastic shopping bags began in the early 1960s. I was 13 or 14, one of my summer chores was to clean the manure gutters in my uncle's dairy barn. We pushed manure down the scuttles to the barn's cellar below. For years, we used paper bags to carry grapefruit rinds, chicken bones, and other household food scraps out to the barn. We threw them down the scuttle into the manure pile in the cellar. It was also my chore to spread manure on the fields. On hot summer days, I'd back the manure spreader into the barn cellar with a small tractor and load up the manure. Though I didn't realize it, my aunt had switched to using single-use plastic shopping bags to dispose of the garbage. Anyway, one day I loaded the spreader with a soupy load. After driving the dripping spreader across the road, I stopped in a field, pulled the beater lever down, and hopped back on the tractor. As you all know, the beaters, like rotating whirligigs, throw manure off behind the spreader in a wide arc. I think you know where I'm going...It was a hot day, and I wore no shirt. After about 50 yards, a single-use shopping bag wrapped around the shaft of the rear beater. A tangled bag whirled around and around in the soupy manure and yes, the plastic bag whirled the manure forward over and over, splattering me with manure from head to foot. This is the history of single-use plastic bags. So, I admit a conflict of interest, I admit a personal bias concerning single-use plastic shopping bags. The relevance of this experience was that yes, a single-use plastic shopping bag, they are sometimes reused by frugal people. I admit that. But most single use shopping bags are not reused and are thrown out. The goal of this bill is to reduce the one-half billion single use shopping bags in Maine's waste stream, as well as to reduce wasted polystyrene food containers. Hardly any bags are actually recycled, because it is uneconomical. First, from stores that collect the bags, although large and chain stores may get sufficient volume for recycling, small and medium sized stores and independent stores have insufficient resale volume to justify the cost of pickup and transportation. And secondly, recycling single-sort plastic bags from a single sort is a horrendous job that generates very little revenue for recyclers. Ecomaine, in Portland, describes the difficulty. "At least once a day, we have to shut down the entire recycling

facility and send three or four intrepid employees, armed with box cutters, into the sorters to cut loose the plastic bags that have wound around moving parts." Manager Tunney of Waste Management Recycling in Chicago says five times a day the whir of the conveyor belts at the recycling center come to a halt, and crews wearing kneepads clamber onto the sorting screens. Using hook knives and reciprocating saws, they cut away the plastic bags, garden hoses, and other stuff that are wrapped around the rotating shafts that help separate paper from cans and bottles. "If we don't do this, four hours from now, none of the containers would fall through because the plastic would plug the gaps." Workers, clipped to safety ropes, untangle the plastic bags from the equipment. More than five hours every day are spent cutting away materials from the shafts, mostly plastic bags. Doing a back-of-the-envelope calculation, Tunney estimated the cost was an additional \$9,000 a month in labor. Sometimes, the bags can break the equipment. So, plastic bags and polystyrene are extremely durable and nearly indestructible. The chemicals are not biodegradable and are a plague on the waste disposal system. If you go to landfills, you will see them all over the place, clogging the machinery, blowing in the wind. The landfills do not want them. Not only that, when broken down, the plastic chemicals may be toxic to animal life.

Turning to the amended bill before you, the original version of LD 57 would have imposed a statewide ban on plastic bags. In the original version of another bill before our committee on polystyrene food containers, the committee decided on a different approach, which is before you in the amended bill with the changed title. The bill outlines a nonregulatory approach that supports voluntary action at the local level through nonbinding state goals. This bill is not a state mandate. There is no cost on the fiscal note. The bill simply states that it is the policy of the state to promote the use of reusable bags and also to promote locally recyclable alternatives to disposable polystyrene food service containers. This is in accordance with the Maine waste management policies in Title 38, the so-called waste hierarchy. The bill sets the following voluntary goals: that 20 towns will adopt a reusable bag ordinance and a polystyrene ordinance by the end of 2019, 35 towns by the end of 2024, and 50 towns by the end of 2029. The DEP will simply act as a website clearinghouse for information on local ordinances that deal with single-use plastic bags and polystyrene food containers. And, where available, the DEP will provide computer links to these ordinances. It does not establish a statewide ban or a one-size-fits-all policy. Madam Speaker, it allows local control and provides a positive step to address sources of plastic pollution that end up in the ocean and in our landfills. Local communities can experiment to see what methods work or don't work. I urge you to vote green for the bipartisan, 9-4 Majority Report on this very modest bill. Thank you, Madam Speaker.

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

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

Representative **KINNEY**: Madam Speaker, I rise in opposition to the pending motion and wish to speak.

The SPEAKER: The member may proceed.

Representative **KINNEY**: Madam Speaker, Ladies and Gentlemen of the House, when I was a child in the 60s, I don't

recall single-use bags anywhere. But, thank goodness for Wonder Bread because I used their bags as socks. Madam Speaker, Ladies and Gentlemen of the House, while I appreciate the passion of the bill's supporters, I cannot support a bill that eliminates plastic shopping bags. Most Mainers do the right thing. They use reusable shopping bags when it makes sense. They reuse plastic bags as waste can liners, to pick up pet waste, they carry a number of items around. And when I have excess bags, I along with many Mainers take them back to the retailers for them to be recycled. It is widely documented that paper bags use more energy to produce and have a greater environmental footprint than plastic bags. It is not a reasonable alternative for retail locations -- in regard to procurement, inventory, storage, plastic bags require less space and are significantly cheaper. Our small retail outlets utilize available space for maximum retail space. Banning plastic bags is akin to a tax, placing undue hardship on both the retailers and the customers. It takes the form of a regressive tax, impacting consumers already struggling to keep up with the rising living expenses; taking money out of the pocket of many Maine consumers by increasing their grocery bills is a bad policy. How would Maine citizens receiving SNAP and WIC assistance, who are prohibited from using their benefits to purchase nonfood items, be expected to come up with the cash to purchase reusable bags? Federal rules restrict treating SNAP participants differently than other customers. Singling out SNAP clients by asking them to pay for a reusable bag with their own money conflicts with the federal regulations, which states that no retail food store may single out coupon or EBT card users for special treatment in any way. The grocery retail model is, at best, a penny business. These businesses operate on one percent margins, and those who do not easily absorb government mandates must pass them along to their customers. Proponents are adamant that plastic check-out bags are the target of litter and waste stream concerns, but I ask you to consider the plight of these bags. They are filled with grocery items, taken inside the home, unpacked and then tucked away to be used in 101 different ways or taken back to the stores to be recycled in the collection bins. A 2014 study of the Northeast found plastic check-out bags make up a mere 1.2 percent of litter. I feel we, as a state, should continue to educate in recycling all items. Maine retailers are doing the right thing by collecting an increasing amount of these bags and other plastic film, thereby reducing Maine's waste stream. They have invested in collection, bundling, and transport of these plastic bags, along with signs in the parking lots. In the past, the Legislature has rejected similar bills, acknowledging the leadership of the retail community sustainable business practices, recognizing that bans unfairly penalize low-income, elderly population, and acknowledge that the product bans do not change undesirable behavior. Perhaps the time has come to reach out to the retailers and their business partners, instead of imposing costly mandates on them and their customers. Perhaps the time has come to engage in a comprehensive and meaningful effort that examines Maine's recycling goals in an effort that does not rely on cumbersome, onerous, and costly mandates. Don't impose increased costs on Mainers and visitors, and don't increase regulatory burden on the retail community that is already doing the right thing. And finally, I've talked to people in towns with bans, they now go to the grocery store and buy small bags in quantities of 50 to 100 in a box so that they can use them 101 different ways and then throw them away. Thank you, Madam Speaker, and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Madam Speaker. Madam Speaker, Men and Women of the House, I stand today to give you a few facts and perspectives on plastics in general, and plastic bag bans and other laws addressing plastic pollution from around the world. It is calculated that 275 million metric tons of plastic waste was generated by 192 coastal countries in 2010, with two to five percent of that plastic waste entering the ocean. Without waste management infrastructure improvements, the cumulative quantity of plastic waste available to enter the ocean from land is predicted to increase by more than an order of magnitude by 2025. An order of magnitude means ten times. Being nondegradable, plastic disintegrates in small bits but remains in the environment, essentially forever. These microplastics are then consumed by many filter-feeding and grazing organisms. One study found that 10 percent of the weight of one animal analyzed, consisted of material, containing material without DNA. That animal was 10 percent plastic. Now for my good friend from Limington, and he discussed the hardships, and for those who do not believe plastic bags, and other plastics, are a problem or believe it is too difficult or expensive to address plastic bags and polystyrene, I'm just going to give you a list of some of the countries in and around the world that have outright banned plastic bags or some other sort of restriction on plastic bags. In the continent of Africa: Botswana, Eritrea, Kenya, Mauritania, Morocco, Rwanda, South Africa, Tanzania, Tunisia, Uganda. On the continent of Asia: Bangladesh, China, Hong Kong, India, Indonesia, Israel, Malaysia, Myanmar, Taiwan. From the continent of Europe: the European Union, Denmark, France, Germany, Ireland, Netherlands, Romania, Switzerland, Wales, Northern Ireland, Scotland, and England. From North America: Canada and Mexico. Oceania: Australia, New Zealand, Papua New Guinea. And from South America: Colombia and Argentina. I believe that if these 40 countries can ban plastic bags, I think the United States could do it too. But having said that, in the United States, 18 states plus American Samoa, the District of Columbia, and Puerto Rico have laws or ordinances addressing plastic bags. Nine towns in Maine have enacted some sort of ordinance on plastics, plus Bangor, Bath, and Belfast are seriously considering restrictions at this stage. Based on 806 publications, there are 1,317 species that are affected by plastics in the ocean. Finally, as you decide how you will vote on LD 57, please consider these two thoughts: number one, plastics ultimately end up, and the vast majority of these bags, don't end up hanging in trees, they end up in our marine environment, and our marine economy is one of our most valuable to the state. Commercial fishing alone is valued at over \$1 billion annually. And second, a study published in the highly respected *Journal of Science* in 2016 analyzed fish stocks and plastics in the ocean. This study forecasts that there will be more plastics than fish by weight in the ocean by 2050. So, my question to you, is how much longer will we wait to address plastic bags and polystyrene, while our commercial fisheries and aquaculture industries, while our recreational fisheries and our tourism, which includes birders and people who take day trips to view whales, seals, birds, and other large

animals, suffer from these ubiquitous, insidious plastics? Madam Speaker, thank you very much.

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

Representative **PIERCE**: Thank you, Madam Speaker and Ladies and Gentlemen. LD 57 would have Maine following in the footsteps of 40 countries. That leaves 129 countries that hasn't banned this, for no proven reason. It's not clear what LD 57 will do for Maine's environment. The answer is not clear what it will do for the Maine taxpayer. There is no clear answer for what LD 57 will do for Maine's small, rural businesses and interstate job creators. Plastic bags gathered at the retail stores go to make microfleece, which North Face, Patagonia, and L.L. Bean uses. There are 127 jobs in Maine that make microfleece. Are we going to kick them to the curb by banning plastic bags? They're dying for reusable material. So, all our microfleece is made out of recycled plastics. Plastic bags and #1 plastics, #2 plastics, and the little caps we all throw away. What LD 57 appears to be is a recipe for regulatory payoffs. Different rules, different bag thicknesses, mandates, different bag fees, different compliance regulations throughout Maine. Imagine being a Shaw's, or a Hannaford, or a Walmart, and having 50 different communities that you have to have 50 different policies for, and then think of our small grocers, who are going to be struggling under the cost of managing paper bags because now they're going to need a garage area for them instead of the small space the plastic bags have used, after we now do not make paper bags in this state anymore. Businesses and shoppers will have to navigate the maze of local authorities that will have to enforce them. If there were any clear, compelling cases to be made that the patchwork of bag ordinances would be necessary to lead meaningful reduction in waste and litter, marine or otherwise, we would have a substantive conversation to weigh the cost and benefit. But there is no proof that bag ban policies lead to a broader waste and litter reduction. It's no wonder Maine's DEP testified in opposition to this legislation, along with all the small grocers and large retail businesses. I urge you to vote no on LD 57. Thank you.

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

Representative **DUCHESNE**: Thank you, Madam Speaker and Men and Women of the House. This bill doesn't ban anything. This is a big problem, and we know it's a big problem and you've heard evidence of the big problem. Diamonds are forever, but polystyrene is also forever and it's cheaper. I try to convince my wife of that every time we discuss jewelry. Plastics in the ocean is a big problem, but it's a bigger problem in cities and coastal communities. In my rural area, I'll admit, it's not quite as big a problem. In fact, my towns don't have much money. If we didn't have plastic bags in trees we wouldn't have any holiday decorations. This is a local control bill. Admitting that, yeah, we do have a statewide problem, it's worse in some areas. So, this bill encourages communities that do have the biggest problems to do something about it, if they want to. That's all it is. It says we have a statewide problem, it's local control, if you want to do something, we encourage it, please do it. Thank you, Madam Speaker.

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

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When the good Representative from Brunswick got up, he brought back the trauma of my youth of hauling around manure spreaders.

When the words "soupy load" came, my heart began to race, and after the speech, we were asked to remove our jackets, anxiety gripped me. But then I realized that, not seeking the counselor's couch years ago for these traumatic events, I decided to get into politics and spread a little myself. The good Representative from Hudson is right, this doesn't ban anything, and in fact it's unnecessary unless we feel that we have to remove a traumatic experience from all 1.3 million members of our state when they're faced with that terrifying decision asked by every cashier: Paper or plastic?

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Madam Speaker, fellow Representatives. Is this bill about manure or is this a bill about -- this isn't a ban, this isn't a mandate, this is a conversation, this is local control, this is the towns showing us the trends that they are involved in. The state needs and DEP, initially, we're talking about two --

The SPEAKER: The member will defer. The House will be in order and may the member please raise his voice just slightly. Thank you.

Representative **ZEIGLER**: Is this enough? So, once again, local control, no ban, no mandate, no manure spreader, okay? This bill is very, very simple. Let's see what the towns are doing. Let's see where the trends are going. That's all, no cost.

The SPEAKER: The Chair recognizes the Representative from Pittsfield, Representative Strom.

Representative **STROM**: Thank you, Madam Speaker. I rise today in opposition of this bill. They're right, the bill does nothing. It is a watered-down version of what we started with in our committee, and communities are already banning these bags if they so choose. I believe they are banned in Portland already. So, why do we need a bill to allow towns to ban something that they already have the ability to do? We're just giving them permission to do something that they already have permission to do, and that's why I will not support this bill, is because it's unnecessary and unneeded. Thank you.

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

Representative **KINNEY**: Madam Speaker, sorry to rise a second time. During one of the conversations in here, I received a text message from Canada, bags are not illegal in Canada. Some stores charge 5 percent, big box stores, such as Lowe's and Home Depot, the bags are free. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Madigan.

Representative **MADIGAN**: Thank you, Madam Speaker. I'm currently the administrator of the Northern Oxford Regional Solid Waste Board. We're a six-town solid waste group that handles all the solid waste. We recycle plastic, we recycle metal, we recycle tin cans, cardboard, newspaper, white paper, you name it. We recently started to recycle food waste. I think the members of my board would think that this is something that might be a worthwhile goal to look into. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, I have a question for the Chair if I may.

The SPEAKER: The member may proceed.

Representative **HANLEY**: Is there anything that prevents towns or cities from passing these ordinances now?

The SPEAKER: The Representative from Pittston has posed a question through the Chair, if anyone is able to

answer. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: That's correct. Nothing prevents a town from passing an ordinance about single-use plastic bags or the polystyrene containers. However, this bill declares, as a matter of state policy, that we should try to use reusable bags to avoid getting the plastics into our waste stream. Let me just remind everybody about the waste hierarchy in Maine. The goals are in sequence. First, we try to reduce the waste generated. Secondly, we try to reuse materials. Thirdly, if that doesn't work, we recycle. If you can't recycle, we compost. If you can't compost, you go waste-to-energy. And, if you can't go waste-to-energy, you go to land disposal. It's part of our Maine waste hierarchy to discourage waste, and that's the purpose of this bill. It declares that policy, and it will encourage local communities to think about it.

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

Representative **TEPLER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand before you representing a community that currently has a ban on both single-use plastic bags and polystyrene, and I stood before my select board a year ago as this policy was considered and said to the members of my select board, who are primarily representatives of the Grand Old Party, that the state should in fact do something about this. As they said to me, "Why do we have to adopt this ordinance in the Town of Topsham when the state should be doing something about this?" Well here we are. At least we're offering up a statewide policy to reduce the use of single-use plastic bags. And I'm going to go back to my town and I'm going to say I voted for a state policy and I think perhaps you should ask the members of this body on the other side of the aisle if they did so as well.

The **SPEAKER**: The Chair will remind members in the course of debate to be respectful to all other members in the chamber, to not question the motives of any member.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

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

Representative **PARKER**: Thank you, Madam Speaker and fellow members of the House, I rise in support of LD 57. A few weeks ago, I was driving home to South Berwick to attend a writers' and artists' night at my daughter's school. On my mind was rising for the first time on plastic bags and what I would be saying. When I reached my daughter's school and her locker, I was pleasantly surprised to see that she had written a piece entitled, *The Troubles of Plastic Bags*. So apparently, my daughter actually is listening at home. I would actually, just to be brief, would like to submit her story in place of my own. *The Troubles of Plastic Bags*, by Libby Houghton. "You might think plastic bags are most convenient and affordable, but plastic bags cause more trouble than you might think. I think plastic bags should not be used and this is why. If we don't stop now, it's not going to get any better. One plastic bag takes 20 to 1,000 years to degrade, and when it does degrade, it's still toxic. Plastic bags get into the soil and release toxic chemicals when they break down into the ground. Plastic bags are really harmful to our earth and it's time to do something about it. They affect all of us. Animals mistake them for food, they eat plastic bags and choke and die. Plastic bags get into our oceans killing tens of thousands of whales, birds, seals, and sea turtles. There are enough plastic bags to circle our earth 63 times. One alternative is reusable bags. They are made from canvas and denim, and they are much

easier to reuse. Did you know that we humans use 500 billion plastic bags a year? So, that's a lot. So, if we want to lower this number, we need to start now. If we want to be healthier and we want to be kind to our earth, who has given so much to all of us, please reduce, reuse, recycle, and don't use plastic bags." That is from my daughter, who's 11 years old. I rise and speak to you and urge and plead that we use this act, not as a mandate, not as ban, but as a step forward in the right direction for our future generations of Maine. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Just in regards to the quick question posed by the Representative from Topsham in regards to listening to our constituents. Many communities in the state have already looked at putting an ordinance similar to this language in place, and certainly those communities are listening to their constituents. Thank you. I will be opposing this and ask you to follow my light.

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

#### ROLL CALL NO. 31

**YEA** - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, 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, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

**NAY** - Austin S, Bickford, Black, Bradstreet, Cebra, Chace, Corey, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, 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, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

**ABSENT** - Farrin, Grohman, Haggan, Perry.

Yes, 78; No, 68; Absent, 4; Excused, 1.

78 having voted in the affirmative and 68 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-18)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-18)** and sent for concurrence.

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

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Bill "An Act To Enhance Safety on College and University Campuses by Allowing Firearms To Be Carried on the Campuses of Public Colleges and Universities"

(H.P. 949) (L.D. 1370)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - April 11, 2017 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - Motion of Representative KORNFIELD of Bangor to **REFER** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Subsequently, Speaker GIDEON of Freeport moved that the Bill be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **REFER** the Bill to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Refer the Bill to the Committee on Education And Cultural Affairs. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 32**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, 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, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Campbell, Farrin, Grohman, Haggan, Hubbell, Perry.

Yes, 75; No, 69; Absent, 6; Excused, 1.

75 having voted in the affirmative and 69 voted in the negative, with 6 being absent and 1 excused, and accordingly the Bill was **REFERRED** to the Committee **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

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Bill "An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits"

(H.P. 976) (L.D. 1418)

(Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested)

TABLED - April 11, 2017 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

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HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-28)** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Help Municipalities Prepare for Sea Level Rise"

(H.P. 384) (L.D. 540)

TABLED - April 11, 2017 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

Representative **FREDETTE**: Madam Speaker, I'm actually waiting for the reference of the committee. I request a roll call. Has this been referenced in the committee with the Acceptance of the Committee Report?

The SPEAKER: The pending motion is Acceptance of the Unanimous Committee Report.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Committee Report**.

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

Representative **HERBIG** of Belfast moved that the Bill be **TABLED** until later in today's session pending **ACCEPTANCE** of the Committee Report.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of the Committee 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 to Table until later in today's session pending Acceptance of the Committee Report. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 33**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Devin, 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, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, 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,

Therault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Denno, Farrin, Grohman, Haggan, Perry.

Yes, 75; No, 70; Absent, 5; Excused, 1.

75 having voted in the affirmative and 70 voted in the negative, with 5 being absent and 1 excused, and accordingly the Bill was **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned. (Roll Call Ordered)

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**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Designate the Maine Farms Agricultural Resource Management and Sustainability Recognition Program"

(H.P. 997) (L.D. 1445)

Sponsored by Representative BLACK of Wilton.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

Bill "An Act Regarding the Confidentiality of Information in the Animal Welfare Laws"

(H.P. 998) (L.D. 1446)

Sponsored by Representative TIMBERLAKE of Turner. (GOVERNOR'S BILL)

Cosponsored by Senator DAVIS of Piscataquis and Representative: KINNEY of Knox, Senator: SAVIELLO of Franklin.

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 Make Community Paramedicine Projects Permanent"

(H.P. 981) (L.D. 1427)

Sponsored by Representative GERRISH of Lebanon.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Relieve Overcrowding in County Jails" (EMERGENCY)

(H.P. 982) (L.D. 1428)

Sponsored by Representative GUERIN of Glenburn.

Cosponsored by Senator ROSEN of Hancock and Representatives: COREY of Windham, GERRISH of Lebanon, HERRICK of Paris, LONGSTAFF of Waterville, MAREAN of Hollis, NADEAU of Winslow, WARREN of Hallowell, Senator: DIAMOND of Cumberland.

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

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 Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools"

(H.P. 988) (L.D. 1433)

Sponsored by Representative WARREN of Hallowell.

Cosponsored by Senator MILLETT of Cumberland and Representatives: FARNSWORTH of Portland, PIERCE of Falmouth.

Bill "An Act To Clarify the Laws Regarding Education in the Unorganized Territories"

(H.P. 989) (L.D. 1434)

Sponsored by Representative TUELL of East Machias.

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 Regarding the Epidemic of Opiate Abuse"

(H.P. 983) (L.D. 1429)

Sponsored by Representative GROHMAN of Biddeford.

Cosponsored by Senator DION of Cumberland and Senators: CYRWAY of Kennebec, DESCHAMBAULT of York.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Bill "An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder"

(H.P. 984) (L.D. 1430)

Sponsored by Representative VACHON of Scarborough.

Cosponsored by Senator DILL of Penobscot and Representatives: CHACE of Durham, COREY of Windham, HYMANSON of York, MALABY of Hancock, McCREIGHT of Harpswell, SIROCKI of Scarborough, STEWART of Presque Isle, Senator: CUSHING of Penobscot.

Bill "An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds"

(H.P. 990) (L.D. 1435)

Sponsored by Representative JORGENSEN of Portland.

Cosponsored by Senator CHIPMAN of Cumberland and Representatives: GATTINE of Westbrook, HYMANSON of York, MARTIN of Eagle Lake, PIERCE of Falmouth, VACHON of Scarborough, Senator: KATZ of Kennebec.

Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions

(H.P. 991) (L.D. 1436)

Sponsored by Representative HAMANN of South Portland.

Cosponsored by Senator GRATWICK of Penobscot and Representatives: DENNO of Cumberland, FECTEAU of Biddeford, HICKMAN of Winthrop, MADIGAN of Waterville, PARKER of South Berwick.

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.

Bill "An Act To Establish a Youth-in-care Court"

(H.P. 992) (L.D. 1437)

Sponsored by Representative HAMANN of South Portland.

Cosponsored by Senator MILLETT of Cumberland and Representatives: BABBIDGE of Kennebunk, McCREIGHT of Harpswell, Senator: HILL 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 Improve the Aquaculture Leasing and Licensing Laws"

(H.P. 993) (L.D. 1438)

Sponsored by Representative DEVIN of Newcastle.

Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

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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Resolve, To Study the Placement of Vehicle Charging Stations on Maine's Highways

(H.P. 994) (L.D. 1439)

Sponsored by Representative CASÁS of Rockport.

Cosponsored by Senator MASON of Androscoggin and Representatives: GATTINE of Westbrook, GOLDEN of Lewiston, HUBBELL of Bar Harbor, MADIGAN of Rumford, PARRY of Arundel, Senators: BELLOWS of Kennebec, DIAMOND of Cumberland.

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

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 995) (L.D. 1440)

Sponsored by Representative McLEAN of Gorham. (GOVERNOR'S BILL)

Cosponsored by Senator COLLINS of York and Representative: PARRY of Arundel.

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 Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws" (EMERGENCY)

(H.P. 999) (L.D. 1447)

Sponsored by Representative BEAR of the Houlton Band of Maliseet Indians.

Bill "An Act To Support Maine Military Charities"

(H.P. 1001) (L.D. 1449)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Senator MASON of Androscoggin and Representatives: CASÁS of Rockport, DILLINGHAM of Oxford, FARRIN of Norridgewock, HANINGTON of Lincoln, LONGSTAFF of Waterville, LUCHINI of Ellsworth, PICCHIOTTI of Fairfield, SCHNECK of Bangor.

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

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 Create Veteran-friendly Workplaces"

(H.P. 996) (L.D. 1441)

Sponsored by Representative COLLINGS of Portland.

Cosponsored by Senator CARSON of Cumberland and Representatives: CASÁS of Rockport, DEVIN of Newcastle, GOLDEN of Lewiston, PICCHIOTTI of Fairfield, PRESCOTT of Waterboro, Senators: BELLOWS of Kennebec, CARPENTER of Aroostook, DOW of Lincoln.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested.

On motion of Representative LUCHINI of Ellsworth, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

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Bill "An Act To Dedicate a Portion of the Tax on the Sale of Marijuana to Substance Abuse Prevention and Treatment, Law Enforcement Costs and Regulatory Oversight"

(H.P. 985) (L.D. 1431)

Sponsored by Representative CRAIG of Brewer.

Cosponsored by Representatives: ALLEY of Beals, TUELL of East Machias.

Bill "An Act To Clarify Certain Provisions of the Marijuana Legalization Act and To Deter the Use of Marijuana by Minors" (EMERGENCY)

(H.P. 1000) (L.D. 1448)

Sponsored by Representative HARRINGTON of Sanford.

Cosponsored by Representatives: BICKFORD of Auburn, CEBRA of Naples, CHACE of Durham, PERKINS of Oakland, PIERCE of Dresden, Senator: LIBBY of Androscoggin.

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 STANLEY of Medway, the following Joint Resolution: (H.P. 987) (Cosponsored by Senator DAVIS of Piscataquis and Representatives: ALLEY of Beals, BICKFORD of Auburn, ESPLING of New Gloucester, HARLOW of Portland, HILLIARD of Belgrade, ORDWAY of Standish, SKOLFIELD of Weld, Senator: MASON of Androscoggin)

**JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES FOR CALLING A CONVENTION TO PROPOSE AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES TO LIMIT THE POWER OF THE FEDERAL GOVERNMENT**

WHEREAS, executive orders by the President of the United States have become a vehicle through which the President may overstep the limits of the President's constitutional authority; and

WHEREAS, the concentration of power at the federal level has had the effect of making federal officials less responsive to the will of the people and more readily influenced by lobbyists, wealthy corporations and special interests in Washington, D.C.; and

WHEREAS, much of federal law is now made by federal bureaucrats who were never chosen by the people and have no accountability to the people whatsoever; and

WHEREAS, policy decisions made at the state level tend to be more responsive to the needs and desires of the people; and

WHEREAS, the Federal Government has created a crushing national debt through improper and imprudent spending; and

WHEREAS, the Federal Government has invaded the legitimate roles of the states through the manipulative process of federal mandates, many of which are unfunded to a great extent; and

WHEREAS, the states have the ability to restore the responsiveness of government to the people and to restrain abuses of federal power by proposing amendments to the United States Constitution through a limited convention of the states under Article V; and

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; now, therefore, be it

RESOLVED: That the Legislature of Maine hereby applies to the Congress of the United States, under the provisions of Article V of the United States Constitution, for the calling of a convention of the states limited to proposing amendments to the United States Constitution that impose fiscal restraints on the Federal Government, limit the power and jurisdiction of the Federal Government and limit the terms of office for its officials and for members of Congress; and be it further

RESOLVED: That this application constitutes a continuing application in accordance with Article V of the United States Constitution until the legislatures of at least 2/3 of the several states have made applications on the same subject; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and presiding officers of both houses of the legislatures of each of the several states in the nation, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate and each member of the Maine Congressional Delegation.

**READ.**

On motion of Representative HERBIG of Belfast, **TABLED** pending **ADOPTION** and later today assigned.

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 30)

ORDERED, that Representative Aaron M. Frey of Bangor be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Chad Wayne Grignon of Athens be excused March 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Jonathan L. Kinney of Limington be excused April 4 and 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative MaryAnne Kinney of Knox be excused April 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Christina Riley of Jay be excused April 4 for personal reasons.  
**READ** and **PASSED.**

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

**UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 11, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Stanley Shorey, of Penobscot

(HLS 71)

**TABLED** - February 14, 2017 (Till Later Today) by Representative WARD of Dedham.

**PENDING - PASSAGE.**

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

Representative **WARD**: Thank you, Madam Speaker. Madam Speaker, any way you cut it, 25 years is a long time. A lot goes on in a quarter century, and if you've been an effective town selectman for that length of time, well you've probably had a hand in getting quite a lot done. Now, a few weeks ago I was privileged to attend the Penobscot Annual Town Meeting and I witnessed the last official act of duty for Stan Shorey, who has served the Town of Penobscot faithfully since 1992, doing the unglamorous things that public officials do in a small town. Now, over that time he and his fellow selectmen have led the construction of a new firehouse, a new overboard discharge facility for the Penobscot Community School, we've gotten many of the town roads paved, and moved from an open-burning trash dump to a landfill, to a recycler, and now it even has a compacter. He helped institute a building and equipment fund so the town wouldn't have to go deep in debt every time some new piece of equipment was needed. Stan's community involvement didn't end there, though. He's been a volunteer firefighter, he's been a Boy Scout leader, he's been a substitute teacher for fly tying and phys. ed, though not at the same time. And he can turn a wrench, too, and get just about anything running right. Mr. Shorey was also a bus driver for the Penobscot Community School for many years and, in fact, in 1997 he was named the Maine State School Bus Driver of the Year. It must have been that glaring look in the mirror that he gave all the kids when they acted up. Every great small town has this jack of all trades, and the one person who can

help in just about any situation, Madam Speaker, well, Stan Shorey is one of those people, and Penobscot has been lucky to have had him all these years. Madam Speaker, at that meeting I was able to do something few people can claim, at least not those kids on all his bus rides, and that is to surprise Stan with a framed formal legislative sentiment signed by you, Madam Speaker, and President Thibodeau. The standing ovation he received from virtually the entire town that night is something I will never forget. So, I invited Stan and his very understanding wife, Roberta, here today, and I'm glad they took me up on the offer. Stan, on behalf of everyone, thank you for your service and dedication to your community and to the State of Maine. Thank you, Madam Speaker.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 110) (L.D. 344) Bill "An Act To Provide Opportunity for Energy Cost Reduction for Maine Businesses and Citizens" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-16)**

(H.P. 15) (L.D. 14) Bill "An Act To Extend the Legal Hours for Harvesting Lobster" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-35)**

(H.P. 275) (L.D. 369) Bill "An Act To Establish the Seaweed Advisory Council and To Enhance the Management of the Seaweed Fishery" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-34)**

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

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

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**ENACTORS**

**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-Medical Institution Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services

(H.P. 325) (L.D. 458)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Portions of Chapter 191: Health Maintenance Organizations and of the Final Repeal of Chapter 750: Standardized Health Plans, Major Substantive Rules of the Department of Professional and Financial Regulation, Bureau of Insurance

(H.P. 398) (L.D. 556)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Amend the Law Regarding the Execution of Temporary Powers of Attorney

(H.P. 22) (L.D. 21)

(C. "A" H-22)

An Act To Authorize 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)

(C. "A" S-15)

An Act Requiring the Use of the Electronic Death Registration System

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

(C. "A" H-20)

An Act To Ensure the Timely Final Disposition of Human Remains

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

(C. "A" S-14)

An Act To Designate a Maine Community Litter Cleanup Day

(H.P. 312) (L.D. 432)

An Act To Increase the Maximum Registered Gross Weight Allowed for Vehicles with Disabled Veterans or Special Veterans Registration Plates

(S.P. 146) (L.D. 444)

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

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**Resolves**

Resolve, To Increase Certain Chiropractic Reimbursement Rates under the MaineCare Program

(H.P. 200) (L.D. 267)

(C. "A" H-21)

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

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An Act To Extend Internet Availability in Rural Maine

(H.P. 303) (L.D. 423)

(C. "A" H-17; H. "A" H-19)

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

On motion of Representative HERBIG of Belfast, was **SET ASIDE**.

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

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

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

**ROLL CALL NO. 34**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Harrington, Herbig, Herrick, Hickman, Higgins, 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, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Farrin, Fredette, Grohman, Haggan, Hawke, Hilliard, Malaby, Perry.

Yes, 84; No, 58; Absent, 8; Excused, 1.

84 having voted in the affirmative and 58 voted in the negative, with 8 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

**REPORTS OF COMMITTEE**  
**Refer to the Committee on Judiciary**  
**Pursuant to Statute**

Representative MOONEN for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Advance Payment of Costs for Public Records Requests"

(H.P. 986) (L.D. 1432)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

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

**SENATE PAPERS**

The following Joint Order: (S.P. 500)

**ORDERED**, the House concurring, that when the House and Senate adjourn they do so until Tuesday, April 18, 2017, at 10:00 in the morning.

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

**READ** and **PASSED** in concurrence.

Bill "An Act Regarding Large-scale Community Solar Procurement"

(S.P. 499) (L.D. 1444)

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 Amend the Laws Governing MaineCare Eligibility Determination For Applicants To Nursing Homes"

(S.P. 494) (L.D. 1424)

Bill "An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board"

(S.P. 495) (L.D. 1425)

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.

Bill "An Act To Promote Biosecurity and Better Regulate the Importation, Possession and Use of Aquatic Species"

(S.P. 502) (L.D. 1451)

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.

Bill "An Act To Raise the Debtor's Exemption on Vehicles and To Exempt Amounts Rolled Over from 401(k) or 403(b) Accounts to Individual Retirement Accounts"

(S.P. 497) (L.D. 1442)

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

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

Bill "An Act To Update Professional and Occupational Licensing Laws"

(S.P. 498) (L.D. 1443)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Allow the Use of Bioptic or Telescopic Corrective Lenses To Meet the Vision Examination Requirements for a Class C Driver's License" (EMERGENCY)

(S.P. 496) (L.D. 1426)

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

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

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

On motion of Representative FULLER of Lewiston, the House adjourned at 12:27 p.m., until 10:00 a.m., Tuesday, April 18, 2017, pursuant to the Joint Order (S.P. 500).