

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

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ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
35th Legislative Day
Tuesday, May 2, 2017

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

Prayer by Reverend Peter B. Panagore, First Radio Parish Church of America, Portland.

National Anthem by Mount View Chamber Singers, Mount View High School, Thorndike.

Pledge of Allegiance.

Doctor of the day, Dieter Kreckel, M.D., Rumford.

The Journal of Thursday, April 27, 2017 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 542)

JOINT RESOLUTION RECOGNIZING APRIL 2017 AS CHILD ABUSE AND NEGLECT PREVENTION MONTH

WHEREAS, our children are our most valuable resource and will shape the future of the State; and

WHEREAS, in fiscal year 2015, 3,247 Maine children were victims of substantiated child abuse or neglect; and

WHEREAS, child abuse and neglect is a serious problem affecting every segment of our communities and our State, and finding solutions requires input and action from everyone in all our communities; and

WHEREAS, child abuse and neglect can have long-term psychological, emotional and physical effects that can have lifelong consequences for victims; and

WHEREAS, "protective factors" are conditions that reduce or eliminate risk in families and communities and promote the social, emotional and developmental well-being of children and families; and

WHEREAS, effective child abuse prevention activities succeed because of the meaningful connections and partnerships created between child welfare, education, health, community-based and faith-based organizations and businesses and law enforcement agencies; and

WHEREAS, communities must make every effort to promote programs and activities that benefit children and their families; and

WHEREAS, we acknowledge that we must work together as a state to increase awareness about child abuse and neglect and contribute to promoting the social and emotional well-being of children and families in a safe, stable and nurturing environment; and

WHEREAS, prevention remains the best defense for our children and families; 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 April 2017 as Child Abuse and Neglect Prevention Month.

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

READ and **ADOPTED** in concurrence.

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes of Regional School Unit No. 5" (EMERGENCY)

(S.P. 534) (L.D. 1528)

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

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion of Representative GOLDEN of Lewiston, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Non-Concurrent Matter

Bill "An Act To Use State Employees and Resources for Transportation Bond Projects"

(S.P. 316) (L.D. 960)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-36)** in the House on April 25, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Maine Criminal Justice Academy Board of Trustees"

(H.P. 524) (L.D. 744)

Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64)** in the House on April 25, 2017.

Came from the Senate with the Majority (9) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Exempt Certain Veterans from Hunter Safety Courses"

(H.P. 38) (L.D. 52)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-53)** in the House on April 25, 2017.

Came from the Senate with the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **INLAND FISHERIES AND WILDLIFE READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Allow the Formation of Transportation Corridor Districts"

(S.P. 161) (L.D. 500)

Majority (10) **OUGHT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in the House on April 25, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Ensure Safety, Quality and Transparency in the Medical Marijuana Market and To Ensure Sufficient Funding for Regulation and Enforcement with Respect to the Retail Marijuana Industry"

(H.P. 1051) (L.D. 1527)

REFERRED to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** in the House on April 25, 2017.

Came from the Senate **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule"

(S.P. 143) (L.D. 441)

Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-38)** in the House on April 25, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Remove Barriers to Workforce Development in Alcohol and Drug Counseling and To Increase the MaineCare Reimbursement Rates for Certain Counselors"

(H.P. 955) (L.D. 1376)

House **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on April 18, 2017.

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

The House voted to **RECEDE**.

Subsequently, the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 143)

STATE OF MAINE

OFFICE OF THE GOVERNOR

1 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0001

April 28, 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 21 "An Act to Amend the Law Regarding the Execution of Temporary Powers of Attorney."

This bill amends a law passed by the 127th Legislature that provided a program by which parents could execute a temporary power of attorney to someone who would serve as a guardian for the parents' children in times of short-term emergency. The intention of the law, as I understand it, was rather than have their children forced into foster care, parents should have the ability to designate those who would agree to care for the children in the event of emergency.

However, this law provides what I consider to be very crucial protections for the children who are now subject to their parents' temporary power of attorney. For instance, the law generally provides that those who may be called to care for children must first be subject to a background check. Perhaps more importantly, members of the person's household must be subject to background checks.

This bill seeks to weaken the requirement that background checks be conducted. Specifically, it exempts hospitals from conducting background checks before placing children with those who are authorized to exercise a temporary power of attorney. Because this bill would put children at risk, I cannot support it.

For this reason, I return LD 21 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 Amend the Law Regarding the Execution of Temporary Powers of Attorney

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

(C. "A" H-22)

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. 62V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casás, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Hamann, Handy, Hanley, Harlow, Harrington, Harvell, Hawke, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson,

Jorgensen, Kinney J, Kinney M, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Sirocki, Spear, Stanley, Stearns, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, Winsor, Wood, Zeigler, Madam Speaker

NAY - Farrin, Fredette, Haggan, Hanington, Hickman, Johansen, Lockman, Lyford, O'Connor, Ordway, Prescott, Sherman, Stetkis, Timberlake, Turner, Wallace, White

ABSENT - Head, Herbig, Kornfield, McElwee, Skolfield
EXCUSED - Doore

Yes, 128; No, 17; Absent, 5; Excused, 1.

128 voted in the affirmative and 17 in the negative and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 144)

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

April 28, 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 432 "An Act To Designate a Maine Community Litter Cleanup Day."

This bill establishes the first Saturday in May as Maine Community Litter Cleanup Day. It forces the Governor of the State to issue a proclamation marking such occasion. During my many years as Governor I have noticed that there are around 50 commemorative days on the Maine calendar many of which seek to force me to issue proclamations.

Frankly, I think this bill is unnecessary. I do not believe that Mainers need me to proclaim a special day for them to understand that it is good citizenship to not litter, and to clean up their communities. I think that generally Mainers already do a great job of keeping their communities litter-free. This is part of the reason why our state attracts so many visitors.

If I were in favor of proclaiming special days in an effort to remind Mainers of their civic responsibilities, which I surely am not, then I would think that a Maine Community Litter Day would be best sometime in the fall before the arrival of snow and its subsequent thaw. During the thaw, litter is known to be washed away. Because of this, I do not think that the bill is practical.

For these reasons, I return LD 432 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 Designate a Maine Community Litter Cleanup Day

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

Representative MARTIN of Sinclair **REQUESTED** that the Clerk **READ** the Committee Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Rockport, Representative Casás.

Representative **CASÁS**: Thank you, Madam Speaker. I request that I just say a couple of words if I might.

The **SPEAKER**: The member may proceed.

Representative **CASÁS**: Thank you, Madam Speaker. So, in my town, Rockport, we just got done with a big effort for roadside cleanup. I just wanted to encourage folks to think about that. So, it's very important that we clean up our roadsides and we should be encouraging folks to do so, because encouraging folks to do the right thing, isn't very expensive and if you're talking about a return on investment, that's one of the best ones you can get. We do keep Rockport beautiful and for a couple hundred bucks, in our town, we get over 80 volunteers to come out, we supply some of the resources for them, public works assists and they have collected in this last couple of weeks over 3,500 pounds of trash from our roadsides. One of the interesting things is, in addition to cleaning up our roadsides, we also have gotten some better information on our heroin and opioid epidemic. We find needles in various places. They've been consistent, so it helps our police identify the areas to keep an eye on. And the last two things, just to mention, is as my wife, because I go and participate with it, my wife participates in it. We got some community businesses to donate some food for our volunteers. She used this bill as a way to show that there was encouragement and support on the state end and the responses that we got were very strong in support of this. And the last thing is, on the veto, I do just take a little bit of issue with the Governor's statement about the snow, what seems to be the best time to clean up...

The **SPEAKER**: The member will defer. The member will refer to him as the Chief Executive.

The Chair reminded Representative CASÁS of Rockport to refer to the Chief Executive as the Chief Executive.

Representative **CASÁS**: Right, my apologies, Madam Speaker. In the Chief Executive's veto letter, we consistently do our roadside cleanup on the first times in May, specifically the grass hasn't grown up and the litter is very easy to see. Thank you very much for the time.

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

Representative **WADSWORTH**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, in my neck of the woods, when the snowbanks finally melt in April and leaves behind piles of trash, we all know that it doesn't automatically wash away like the Chief Executive believes. Please follow my light.

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. 63V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Brooks, Bryant, Cardone, Casás, Cebra, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Farnsworth, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gillway, Ginzler, Golden, Grant, Grohman,

Guerin, Haggan, Hamann, Handy, Harlow, Harrington, Harvell, Hawke, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Kinney, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCreia, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parker, Parry, Perry, Pickett, Pierce, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Sheats, Simmons, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, Winsor, Wood, Zeigler, Madam Speaker

NAY - Bradstreet, Campbell, Craig, Dillingham, Dunphy, Espling, Farrin, Gerrish, Grignon, Hanington, Hanley, Hilliard, Johansen, Jorgensen, Kinney, Lockman, Lyford, Malaby, Mason, O'Connor, Perkins, Picchiotti, Pierce, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Stetkis, Strom, Sutton, Timberlake, Turner, Wallace, White

ABSENT - Head, Herbig, Kornfield, McElwee, Skolfield
EXCUSED - Doore

Yes, 109; No, 36; Absent, 5; Excused, 1.

109 voted in the affirmative and 36 in the negative and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 141)

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

May 2, 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:"

Agriculture, Conservation and Forestry

L.D. 662 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Work with All-terrain Vehicle Clubs To Develop All-terrain Vehicle Trails in Northern Maine

L.D. 857 An Act To Amend the Laws Governing Slaughter and Inspection of Livestock

L.D. 993 An Act To Protect Pollinators from Neonicotinoid Pesticides

Criminal Justice and Public Safety

L.D. 248 An Act Regarding Law Enforcement Training for Former Military Police Officers

L.D. 475 An Act To Require That a Person Who Has Been Treated by a Law Enforcement Officer with Naloxone Be Informed about Drug Addiction Treatment

L.D. 859 An Act To Ensure Thorough Investigation into Allegations of Sexual Assault

L.D. 986 An Act To Improve School Safety

Education and Cultural Affairs

L.D. 674 An Act To Provide Public Charter Schools with Access to State Funds for Capital Expenses

L.D. 747 An Act To Amend Minimum Age Eligibility for School Enrollment

L.D. 751 An Act To Establish Districtwide Standardized Assessment Policies

L.D. 1051 An Act To Prevent Sudden Cardiac Arrest

L.D. 1233 An Act To Provide Veterans and Gold Star Families Free Admission to the Maine State Museum

Energy, Utilities and Technology

L.D. 1157 An Act To Create a Limited Microgrid Project To Stimulate Economic Development in Northern Maine

L.D. 1299 An Act To Amend the Charter of the Town of Madison's Department of Electric Works

Environment and Natural Resources

L.D. 684 An Act To Increase Vegetative Buffers in the Shoreland Zone

L.D. 1094 An Act To Amend the Laws Governing the Review of Subdivisions

L.D. 1178 An Act To Better Understand and Control Invasive Aquatic Plants and Nuisance Species

L.D. 1194 Resolve, Establishing the Commission To Study and Assess Maine's Regulatory Environment

Health and Human Services

L.D. 36 An Act To Create a 9-month Time Limit on General Assistance Benefits for Certain Persons

L.D. 477 An Act To Prevent Long-term Welfare Dependency

L.D. 606 An Act To Ensure Access to All Prescription Drugs Containing Cannabidiol Approved by the Federal Food and Drug Administration

L.D. 932 Resolve, To Establish the Commission To Study the Siting and Building of a Drug Treatment Facility in Northern Maine (EMERGENCY)

L.D. 1053 Resolve, Concerning the Format of Birth Certificates of Deceased Persons

L.D. 1066 An Act To Promote Life with Dignity

L.D. 1075 An Act To Eliminate Drug Use among Welfare Recipients

L.D. 1119 An Act To Ensure Safe Drinking Water in Public Buildings

Inland Fisheries and Wildlife

L.D. 732 An Act To Protect Young Bucks in Northern, Eastern and Western Maine

L.D. 1002 An Act To Add .17 Caliber Hornady Magnum Rimfire Rifle Cartridges to the Cartridges Acceptable for Deer Hunting

L.D. 1038 An Act To Allow Junior Hunters To Take an Antlered or Antlerless Deer in Any Wildlife Management District on Youth Deer Hunting Day

L.D. 1041 An Act Regarding the Safe Discharge of Firearms during Deer Hunting Season

L.D. 1065 An Act To Dedicate All Money Raised from the Moose Lottery and Permits to Research and Management of Moose

Marine Resources

L.D. 113 An Act To Stabilize Lobster Bait Prices

L.D. 233 An Act To Establish a Statewide Scallop Harvesting Limit and Extend the Scallop Season

L.D. 373 An Act To Create Pathways To Enter Alternative Marine Industries

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L.D. 1067 An Act To Limit the Size of Scallop Drags
L.D. 1380 An Act To Implement an Owner-Operator Requirement in the Scallop and Sea Urchin Fisheries

State and Local Government

L.D. 1153 An Act To Establish a Village Corporation
L.D. 1193 An Act To Ensure the Cost-efficiency of Contracting out Services by the State
L.D. 1309 Resolve, To Establish the Commission To Study Business Ownership by Racial and Ethnic Populations and the Wealth Gap in the State (EMERGENCY)

Veterans and Legal Affairs

L.D. 5 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exclude Wildlife Issues from Citizen Initiatives
L.D. 212 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
L.D. 715 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Amend the Citizen Initiative Process
L.D. 819 Resolve, To Establish the Commission To Study the Adequacy of Housing Safety Laws
L.D. 883 An Act To Establish a Minimum Payment for Signatures Gathered by Maine Citizens for Referendums
L.D. 906 An Act Regarding the Collection of Signatures for a Direct Initiative
L.D. 937 An Act To Require the Fiscal Impact of a Direct Initiative of Legislation To Be Included on the Ballot
L.D. 979 An Act Regarding Early Voting in Person
L.D. 995 An Act To Allow a Resident Veteran's Child Who Is Enrolled in an Out-of-state College or University To Take a Course in Maine at a State Postsecondary Education Institution for Free
L.D. 1012 An Act To Improve the Availability of Agency Liquor Stores in Underserved Areas and To Expand the Sale of Spirits in New Channels
L.D. 1035 An Act To Require an Opinion of the Supreme Judicial Court on Direct Initiatives of Legislation
L.D. 1046 An Act To Require Maine Clean Election Act Candidates To Purchase Services from Maine-based Companies
L.D. 1103 An Act To Require Correction of False Information Distributed in a Campaign
L.D. 1125 An Act To Establish a Recall Procedure for Elected Officials
L.D. 1255 An Act Authorizing an Instant Lottery Game with Proceeds To Benefit Early Childhood Education
L.D. 1271 An Act Regarding the Certification Process for Direct Initiatives and People's Veto Referenda
L.D. 1339 An Act To Amend the Procedure To Determine the Wording of Ballot Questions for Citizen Initiatives
L.D. 1368 An Act To Amend Funding Distributions under the Maine Clean Election Act

L.D. 1397 An Act To Amend the Maine Clean Election Act and Related Laws

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (H.C. 142)

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

May 2, 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 Appropriations and Financial Affairs has approved the request by the sponsor, Representative Campbell of Orrington, to report the following "Leave to Withdraw":

L.D. 417 An Act To Authorize a General Fund Bond Issue To Invest in Facilities and Equipment To Support the Growth of Additive Manufacturing

Pursuant to Joint Rule 310, the Committee on Energy, Utilities and Technology has approved the request by the sponsor, Senator Woodsome of York, to report the following "Leave to Withdraw":

L.D. 1352 An Act To Advance Locally Owned Solar Energy Systems

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

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

The Following Communication: (H.C. 145)

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
TASK FORCE TO ADDRESS THE OPIOID CRISIS IN THE
STATE**

April 28, 2017

Honorable Michael Thibodeau
President of the Senate
Maine State Senate
Honorable Sara Gideon
Speaker of the House
Maine House of Representatives
State House

Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Order SP 210, the Task Force to Address the Opioid Crisis in the State is pleased to submit its interim report. Copies of the full report have been distributed to committees or individuals as directed by law and copies have been placed on file with the Law and Legislative Reference Library. Others may access the full report on-line through the website of the Office of Policy and Legal Analysis at <http://legislature.maine.gov/opla>.

Sincerely,
S/Sen. Andre E. Cushing III
Senate Chair
S/Rep. Joyce "Jay" McCreight
House Chair

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

The Following Communication: (H.C. 146)

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

TO: Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: April 28, 2017

RE: Maine State Lottery

Attached please find the final report from the Office of Program Evaluation and Government Accountability on the Maine State Lottery. The report is also available on our website at <http://legislature.maine.gov/opega/opega-reports/9149>. The public comment period on this Report has been scheduled for Friday, May 12, 2017 at 9:00 a.m. in Room 220 Cross Building. If you have questions, please feel free to contact me.

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

The Following Communication: (H.C. 147)

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

May 2, 2017

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

Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On April 28, 2017

Anna M. Perna of Holden for appointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

On May 1, 2017

Judge Ronald A. Daigle of Fort Kent for reappointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Liberty R. Ladd of Falmouth for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Sara Gideon
Speaker of the House

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

The Following Communication: (S.C. 348)

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

April 27, 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 nominations:

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, James I. Whitten of Augusta for appointment to the Maine State Housing Authority;

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, Everett Worcester of Orneville TWP for reappointment to the Maine Land Use Planning Commission;

Upon the recommendation of the Committee on Judiciary, Geoffrey A. Rushlau, Esq. of Dresden for appointment as a District Court Judge.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Facilitate a Statewide Teacher Contract"

(H.P. 1071) (L.D. 1555)

Sponsored by Representative TIMBERLAKE of Turner.

Submitted by the Department of Education pursuant to Joint Rule 204.

Bill "An Act To Revise Certification Statutes for Educational Personnel"

(H.P. 1080) (L.D. 1569)

Sponsored by Representative KORNFIELD of Bangor.

Submitted by the Department of Education pursuant to Joint Rule 204.

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.

Bill "An Act To Protect Children from Prenatal Drug and Alcohol Exposure"

(H.P. 1072) (L.D. 1556)

Sponsored by Representative HEAD of Bethel. (GOVERNOR'S BILL)

Cosponsored by Senator CYRWAY of Kennebec and Representative: PICCHIOTTI of Fairfield.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

The Bill was **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

On motion of Representative GOLDEN of Lewiston, the House **RECONSIDERED** its action whereby the House voted to **REFER** the Bill to the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Children from Prenatal Drug and Alcohol Exposure"

(H.P. 1072) (L.D. 1556)

On further motion of the same Representative, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Protect Maine Consumers from Unexpected Medical Bills"

(H.P. 1073) (L.D. 1557)

Sponsored by Representative GROHMAN of Biddeford. Cosponsored by Senator WHITTEMORE of Somerset and Representatives: ESPLING of New Gloucester, FOLEY of Wells, GINZLER of Bridgton, PRESCOTT of Waterboro, SANBORN of Portland, VACHON of Scarborough, Senators: CARSON of Cumberland, DOW of Lincoln.

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.

Bill "An Act To Enact the Maine Fair Chance Employment Act"

(H.P. 1079) (L.D. 1566)

Sponsored by Representative TALBOT ROSS of Portland. Cosponsored by Representative DeCHANT of Bath, Senator VOLK of Cumberland and Representatives: HICKMAN of Winthrop, HYMANSON of York, VACHON of Scarborough, WARREN of Hallowell, Senators: BELLOWS of Kennebec, CHIPMAN of Cumberland, DION of Cumberland, SAVIELLO of Franklin.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

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

Sent for concurrence.

Bill "An Act To Ensure the Effectiveness of Tax Increment Financing"

(H.P. 1078) (L.D. 1565)

Sponsored by Representative WARD of Dedham. Cosponsored by Senator VOLK of Cumberland. Submitted by the Department of Economic and Community Development pursuant to Joint Rule 204.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

On motion of Representative FECTEAU of Biddeford, the Bill was **REFERRED** to the Committee on **TAXATION**, ordered printed and sent for concurrence.

Bill "An Act To Require That Municipalities and Counties Recover the Cost of Opioid Antagonist Treatment from Repeat Recipients"

(H.P. 1074) (L.D. 1558)

Sponsored by Representative HEAD of Bethel. (GOVERNOR'S BILL)

Cosponsored by Senator CYRWAY of Kennebec and Representative: PICCHIOTTI of Fairfield.

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.

Bill "An Act To Make Technical Changes to Maine's Tax Laws"

(H.P. 1081) (L.D. 1570)

Sponsored by Representative HILLIARD of Belgrade.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Remove the Law Mandating a Front License Plate"

(H.P. 1075) (L.D. 1559)

Sponsored by Representative CEBRA of Naples. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

Bill "An Act Regarding Veteran Homelessness"

(H.P. 1076) (L.D. 1560)

Sponsored by Representative STEWART of Presque Isle.

Cosponsored by Senator DAVIS of Piscataquis and Representatives: CASÁS of Rockport, FARRIN of Norridgewock, GOLDEN of Lewiston, HANINGTON of Lincoln, WINSOR of Norway, Senators: CARPENTER of Aroostook, WHITTEMORE of Somerset.

Bill "An Act To Enact the Maine Citizens' Initiatives Clean Election Act"

(H.P. 1077) (L.D. 1561)

Sponsored by Representative COREY of Windham.

Cosponsored by Senator ROSEN of Hancock and Representatives: BICKFORD of Auburn, CASÁS of Rockport, GROHMAN of Biddeford, HANINGTON of Lincoln, HILLIARD of Belgrade, LONGSTAFF of Waterville, NADEAU of Winslow, Senator: DIAMOND of Cumberland.

Bill "An Act To Amend the Election Laws Relating to Party Qualification"

(H.P. 1082) (L.D. 1571)

Sponsored by Representative LUCHINI of Ellsworth.

Submitted by the Secretary of State and 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.

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

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-42)** on Bill "An Act To Amend the Laws Governing the State's Rail Authority"

(S.P. 241) (L.D. 724)

Signed:
Senator:

MIRAMANT of Knox

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

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

Signed:
Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
PERKINS of Oakland

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

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-42)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-42)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-34)** on Bill "An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of

State Government for the Fiscal Year Ending June 30, 2017"
(EMERGENCY)

(S.P. 341) (L.D. 1034)

Signed:
Senator:

MIRAMANT of Knox

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
CEBRA of Naples
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-35)** on same Bill.

Signed:
Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

GILLWAY of Searsport
PARRY of Arundel
PERKINS of Oakland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-35)**.
READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-34)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-34)** in **NON-CONCURRENCE** and sent for concurrence.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to his Point of Order.

Representative FREDETTE: Thank you, Madam Speaker. Madam Speaker, both on 6-1 and 6-2, I just want to make sure both of those matters passed in non-concurrence with the other body. And I think you represented in your gavel that they were both passed in concurrence and so, both of those matters, in fact, are not in concurrence with the other body.

The SPEAKER: The Chair would answer in the affirmative.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Repeal Certain Requirements for Graduation from Secondary School"

(H.P. 262) (L.D. 356)

Signed:
Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-82)** on same Bill.

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

READ.

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **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**: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker. I would just like to speak to this motion and speaking of the repeal of the guiding principles as grading mechanisms for graduation. And I simply just want to state that these are highly subjective, there's no evidence or scientific validation for this method of grading, and that it subjectively measures one's character and we should just allow local districts to use these as a vision for guiding principles in their school district and instead of focusing on grading, simply turn our concentration to academics and teaching. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Madam Speaker. I rise in support of the pending motion. I just wanted to add that we're in the process of making proficiency based education happen statewide. This is something that's moving forward. I don't think we should pull the foundation and the carpet underneath our schools while we're still all moving forward. And we heard from many teachers and superintendents and principals, that they've had great success in implementing the system in their schools and were in favor of continuing it.

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

ROLL CALL NO. 64

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, 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, Grohman, Hamann, Handy, Harlow, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrema, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Campbell, Head, Herbig, McElwee, Skolfield.

Yes, 78; No, 67; Absent, 5; Excused, 1.

78 having voted in the affirmative and 67 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass** on Bill "An Act To Clarify the Authority for Cremation"

(H.P. 339) (L.D. 476)

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MALABY of Hancock
PARKER of South Berwick
PERRY of Calais
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-84)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representative:

MADIGAN of Waterville

READ.

On motion of Representative HYMANSON of York, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas"

(H.P. 351) (L.D. 488)

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
VACHON of Scarborough

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

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
SYLVESTER of Portland

READ.

Representative FECTEAU of Biddeford moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I obviously rise in support of the pending motion. From my perspective, this is about ensuring people have the opportunity to spend these holidays with their families. I do not believe it would be prudent to put local governmental bodies in a position to choose between well-intended businesses and those who wish to spend these holidays with their families and, should they be inclined to, with their religious communities. Likewise, I would hate to have employers and employees having to be in conflict with one another over who gets to spend time with their families on these holidays and who doesn't. I certainly wouldn't want to spend my time in this chamber on those holidays, and I hope you will follow my light and ensure as many Mainers have the opportunity to celebrate these holidays and have a few days off as possible. Thank you.

Representative GOLDEN of Lewiston **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I want to tell you the story about how this bill has evolved and where we're at today. About five years ago, a local businessman from downtown Searsport approached me, Dale Tozier, and he asked me to put in a bill so that he could open on the days that are prohibited by the Blue Laws. The Blue Laws are Puritan Laws that were passed a number of years ago, before we had electric, before we had internet. Basically, before we lived like we live today. So, just to let you know, I refer to it as the "Tozier Bill." Tozier's Family Market, if you don't know it, he's the gentleman who put on his sign out front, he banned Roger Goodell because he sanctioned Bill Brady, so he did make a little bit of news recently. He has a very small store. It started out as an abandoned building, and he became successful because he treated the community right and he was able to expand his store. It was under 5,000 square feet and as soon as he built a new store, he went over 5,000 square feet. Five thousand square feet is the limit in which you could be open without any prohibition on those three days. So, I followed it in the 126th Legislature, I submitted a bill being relatively new to just say let everybody be open on Blue days. And I learned. Some businesspeople came in, they enlightened me that this wasn't exactly a good idea. But I did learn that there are 33 exemptions to this law, small grocery stores, there are at least three grocery stores in Waldo County. We basically shop different than we did in the old days. We used to be able to afford to buy a carriage load of groceries and now we buy it basically on demand. The bill, the first time we brought it, was defeated. I accept that. So, I brought it back and I revised it. I made it an exemption so that grocery stores under 10,000 square feet can join the 33 exemptions that exist on the books and I can buy my tinfoil on Thanksgiving. Well, that made it pass committee in an affirmative position and the Minority Report was moved. I think everybody in the chamber was a little confused like we are today, maybe. And that failed. So, this time I brought this bill forward again for the Tozier family and I made it a local option. So, if your grocery store is like Dale Tozier's grocery store, it's a family business, about 49 employees, and they want to be open and they're a good neighbor, small town. Then you have to go to the town and the town has to pass an ordinance to allow you to do it. Now, on the flip side of that, if you're a crummy employer, you don't treat your people right, your local grocery is not going to get this exemption because the town simply is not going to pass it. You will never see, in this chamber, a more home ruled bill than this one. Last week, we heard LD 402, a bill urging us to buy local and the Representative from Portland outlined how small businesses are the backbone of our economy. The frustrating thing about this bill is I happened to go out on Easter and it was a nice day and I drove around and I looked at the places that were open that day. They were corporations -- McDonald's, Rite Aid, Walgreens, the small Irving store -- and it was very frustrating that my local guy who pays local taxes and supports our local people. By the way, he's already indicated he's going to pay overtime. And I talked to the people that worked there. In fact, my mother-in-law works at the store and they want to work. They want the overtime. And I just think it's unfortunate that we're not giving the local guy the chance to make a little bit of money on these days and share it with his employees. This bill, when it first came out, was not supported by the Maine Municipal Association, the Maine Grocers, or the Retail Association of Maine. They

actually came out neither for nor against because their memberships were all kind of mixed on it. But in this latest incarnation of the bill, Maine Municipal, the 70 members of the LPC representing 502 towns and cities, presented testimony in favor of the bill. The Maine Grocers and Food Producers Association has about 300 members, roughly, 100 percent in favor of the bill. And the Retail Association of Maine, with more than 350 members statewide, were also providing testimony in favor of the bill. This is good. We need to defeat the current motion on the floor and move this forward so that brick-and-mortar businesses are able to open on Main Street. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, it's nice to see a good pro-business bill and it's nice to see Maine Municipal Association in support. Quite frankly, I guess, in this case, opposed to the current motion of the Ought Not to Pass, and it's actually quite good to see bipartisan support for the Minority Report. So, I would ask the Clerk to read the Committee Report.

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

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

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Battle.

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I'm going to ask you to oppose this bill, but I would like to ask a question through the Chair, if I may?

The SPEAKER: The member may proceed with the question.

Representative **BATTLE**: Ladies and Gentlemen, how many of you have family gatherings on Thanksgiving and get-togethers? None of you? Okay.

The SPEAKER: Representative will defer. For debate, if any Representative would like to pose a question through the Chair to be answered directly by another member, they may do so and pose that question through the Chair. If it is a rhetorical question in debate, then one should simply proceed without posing the question to ask a question through the Chair. The member may proceed.

Representative **BATTLE**: Thank you, Madam Speaker. I apologize. We have local traditions and I see this as just a way of chipping away at traditions. I'm not sure how it is in your family but in my family, we do get together on Thanksgiving and we give thanks for everything we have, and then the next day we fight like heck at the Black Friday sales to get more. I'm going to ask you to, please, to vote to kill this, make it so Ought Not to Pass so we can continue with our traditions because it's really just in search of the big bucks, the old mighty dollar, and it's really going to chip away, in my opinion, at the local family level. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Madam Speaker. I also have a constituent in the Town of Holden on Route 1A headed to Ellsworth and Bar Harbor that would like to see this bill pass. They chose on Easter Day to rake their lawn and clean their parking lot because they had to be closed. They were besieged by customers knocking at the door and walking over to them and asking them if they could open up this store for them to get a few items. So, it is important for the small business community. It is great to see the local control in this

particular instance. And what about the folks that have their holiday gatherings in the evening to get all the family members together that have been traveling? You ride by Burger King, you ride by McDonald's, and those people are all working. So, I'm sure that they have their family gatherings in the late afternoon. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. I apologize for rising a second time, but I just wanted to make a further point which is it has been mentioned that there has been different versions of this bill over several years before this body and I think what is important to keep in mind, is that by shifting the burden of these decisions onto local municipalities, we place this conflict in their hands of deciding between employers and employees as to whether or not folks should have the opportunity to spend time with their families on these holidays. And, I think that it's important that we make sure that we don't place that burden on the municipalities to make that decision that employees and employers are not put in a position of deciding who can and who cannot work or not work on a holiday that is important to them. So, again, I hope that the body will follow my light.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I would like to pose a question through the Chair.

The SPEAKER: The member may proceed.

Representative **SIROCKI**: Thank you. I would like to confirm my understanding that larger stores in excess of 10,000 square feet may be open on these holidays, and I would like to point out that I serve a district that has a large number of smaller businesses and some of them are struggling. So, I would like to know if they're a different set of rules is being applied depending on the square footage of their entity?

The SPEAKER: The member from Scarborough, Representative Sirocki, has posed a question through the Chair to anyone who could answer. The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: That's the issue in answering Representative Sirocki's question. There are all types of rules out there. There are 33 exemptions to this law. A store like Walgreens, which could be 12,000, 14,000 square feet, can be open on these days. A small convenient store, a gas station less than 5,000 square feet can be open on these days. What we're looking for is that sweet spot that we go on Main Street and shop at 10,000 square feet. I'd like to continue with my comment. Thank you, Madam Speaker, Ladies and Gentlemen of the House. Again, I'm going to apologize, no I'm not going to apologize for standing up. But I do want to address Representative Fecteau's comment about small town decisions. I came to Augusta because small towns were being neglected. We had issues with revenue sharing and the people of my district wanted me out there to bring small towns to Maine. I've worked in Searsport for 30 years, many of those years as the Police Chief. Never saw a holiday off with my family. So, you know, I've lived the life of planning around my schedule so that we can enjoy our time off. When I became the manager of Searsport, 12 years ago, I thought, well great, I'm going to have Thanksgiving off. And a cruiser got into an accident and I had to run out and be at the scene of that. So, we live a busy life. If I was a really good planner, I would buy my toilet paper online from Walmart and they would deliver it to me the next day. Another hit against my local grocery store.

But, basically, I accept and I think our towns and cities accept the burden of making this decision because it is a local decision. I could care less if the town down the road from me wants to have their local grocery store open or not. I care about Main Street, Searsport, and my people and town care about Main Street, Searsport. Dale Tozier opened his store during the ice storm of '97-'98 and his people went around with flashlights and calculators and took care of business until they ran out of food. This is the type of guy that deserves our support. That's why I'm going to encourage you to follow my light. Thank you.

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

Representative SYLVESTER: Madam Speaker, thank you very much. I rise to support the motion Ought Not to Pass. I serve on the LCRED Committee. We heard a lot of testimony, you know, in terms of opening on these days and I would like to say this: I represented retail workers for many years and working in retail jobs is a very difficult way to make a living. Many single mothers, many folks who are trying to make a living as best they can. And I would say that, you know, in terms of these workers being able to get a day off, often the next week they don't know what their schedules are going to be. Their lives are often disrupted and I will say that the workers are amongst the best in terms of supporting their employers when they are needed. And so to give these folks three days off, I think, are certainly, you know, in the spirit of we as Maine people, and I will support the motion Ought Not to Pass.

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

Representative GUERIN: Thank you, Madam Speaker. As most of you know, I'm a small businessperson too. So, I understand the struggles of small businesses trying to make the payroll. But I'm also a mother and I see the breakdown of the American family all around me getting worse all the time. If we pass this bill, it's something that the larger grocery stores will use as a stepping stone for them being open on major holidays too. It's only three days a year and it might even be voluntary sign-up, but everybody in a small business knows that voluntary isn't always voluntary, because you have to make the business go or you won't have a job. So, I'll be voting against this bill. I will be voting for the motion today and for family time for Mainers.

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

ROLL CALL NO. 65

YEA - Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Guerin, Hamann, Handy, Harlow, Hickman, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Martin J, Martin R, McCrea, McCreight, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Reckitt, Riley, Sanborn, Schneck, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Bickford, Black, Bradstreet, Casas, Cebra, Chace, Chapman, Corey, Craig, DeChant, Devin, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Herrick, Higgins, Hilliard, Hogan,

Johansen, Kinney J, Kinney M, Lockman, Lyford, Madigan J, Malaby, Marean, Mason, Mastraccio, McLean, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Rykerson, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Spear, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell, Head, Herbig, McElwee, Skolfield.

Yes, 66; No, 79; Absent, 5; Excused, 1.

66 having voted in the affirmative and 79 voted in the negative, with 5 being absent and 1 excused, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative FECTEAU of Biddeford, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Establish a Conditional Presumption of Compensability for Corrections Employees in Cases of Impairment from Hypertension or Heart Disease"

(H.P. 557) (L.D. 777)

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
VACHON of Scarborough

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-81)** on same Bill.

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
SYLVESTER of Portland

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility" (H.P. 233) (L.D. 300)

Signed:
Senator: CARPENTER of Aroostook

Representatives:
LUCHINI of Ellsworth
CASÁS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-83)** on same Bill.

Signed:
Senators: MASON of Androscoggin
COLLINS of York

Representatives:
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative FREDETTE of Newport **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. 66

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, 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, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Stetkis,

Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Campbell, Head, Herbig, McElwee, Skolfield.
Yes, 82; No, 63; Absent, 5; Excused, 1.

82 having voted in the affirmative and 63 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 209) (L.D. 594) Bill "An Act To Modify the Definition of 'General Use Pesticide'" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 147) (L.D. 191) Bill "An Act To Authorize 3-day All-terrain Vehicle Registration Reciprocity with the Provinces of New Brunswick and Quebec" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-90)**

(H.P. 387) (L.D. 543) Bill "An Act Regarding Political Action Committee Expenditures" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-93)**

(H.P. 400) (L.D. 558) Bill "An Act To Improve Moose Hunting" (EMERGENCY) Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-91)**

(H.P. 534) (L.D. 754) Bill "An Act To Repeal or Clean Up Outdated Telecommunications Statutes" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-95)**

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

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

ENACTORS

Acts

An Act To Amend the Laws Governing the Sex Offender Registry

(S.P. 57) (L.D. 138)
(C. "A" S-37)

An Act To Increase Penalties for the Discharge of Sewage, Septic Fluids, Garbage, Sanitary Waste or Other Pollutants from Watercraft into Inland Waters

(H.P. 263) (L.D. 357)
(C. "A" H-59)

An Act To Amend the Laws Governing Domestic Violence and Setting Preconviction Bail

(S.P. 172) (L.D. 511)

An Act To Revoke the Hunting and Fishing Licenses of a Person Charged with Defacing Property Posting Signs

(H.P. 399) (L.D. 557)
(C. "A" H-55)

An Act To Standardize the Law Concerning Property Transfers and To Protect Water Quality

(H.P. 401) (L.D. 559)
(C. "A" H-60)

An Act To Repeal the Laws Governing Truck Camper Registration

(S.P. 273) (L.D. 827)

An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham

(H.P. 633) (L.D. 905)
(C. "A" H-61)

An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor

(S.P. 332) (L.D. 1025)

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

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

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

SENATE PAPERS

Bill "An Act To Require That Principals of Corporations Remain the Same for a Specified Number of Years for the Corporation To Be Eligible for a Casino License"

(S.P. 550) (L.D. 1568)

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

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Capitalize a Career and Technical Revolving Equipment and Renovation Fund"

(S.P. 546) (L.D. 1562)

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

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Resolve, To Establish the Maine Health Advisory Committee (EMERGENCY)

(S.P. 547) (L.D. 1563)

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 Conform State Law to Federal Law While Promoting Safe Working Environments for Minors"

(S.P. 548) (L.D. 1564)

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 Amend the Archives and Records Management Law"

(S.P. 549) (L.D. 1567)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

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

On motion of Representative BAILEY of Saco, the House adjourned at 11:48 a.m., until 10:00 a.m., Thursday, May 4, 2017.