

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
37th Legislative Day
Tuesday, May 9, 2017

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

Prayer by Honorable Jeffrey K. Pierce, Dresden.
National Anthem by Honorable Gay M. Grant, Gardiner.
Pledge of Allegiance.
Doctor of the day, David Edsall, M.D., Ellsworth.
The Journal of Thursday, May 4, 2017 was read and approved.

SENATE PAPERS

Resolve, To Require Greater Clearing of Vegetation along Portions of Route 161 in the Town of Allagash

(S.P. 552) (L.D. 1574)

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Non-Concurrent Matter

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

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

Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-77)** in the House on April 27, 2017.

Came from the Senate with the Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)** in **NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 76

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Brooks, Campbell, Cardone, Casas, Cebra, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Devin, Dillingham, Duchesne, Dunphy, Farnsworth, Fay, Fuller, Gattine, Golden, Grant, Grignon, Haggan, Hamann, Handy, Hanington, Harrington, Head, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, Melaragno, Monaghan, Moonen, O'Neil, Ordway, Parker, Perkins, Perry, Picchiotti, Pierce T, Pouliot, Reckitt, Riley, Sampson, Sanborn, Schneck, Seavey, Sheats, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry,

Timberlake, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Chace, Denno, Espling, Farrin, Fecteau, Foley, Gerrish, Gillway, Ginzler, Grohman, Hanley, Harlow, Harvell, Hawke, Hilliard, Hymanson, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McLean, O'Connor, Parry, Pickett, Pierce J, Prescott, Reed, Sanderson, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bradstreet, Bryant, Fredette, Frey, Guerin, Johansen, McCreight, McElwee, Nadeau, Rykerson, Sherman.
Yes, 91; No, 48; Absent, 11; Excused, 1.

91 having voted in the affirmative and 48 voted in the negative, with 11 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing the State's Rail Authority"

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

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-42)** in the House on May 2, 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**.

COMMUNICATIONS

The Following Communication: (H.C. 154)

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

May 5, 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 365 "An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding."

Current law states that a court must order a criminal background check of each prospective adoptive parent of a child with the exception of a biological parent. I do not know why there is such interest in the Legislative Branch to create exemptions from the background check requirement that is intended to protect children from predators.

I understand that during the public hearing, the committee had the benefit of hearing from a probate court judge. This judge testified in opposition to the bill that "[f]ar too many stepparent background checks have yielded criminal records that include domestic abuse, felony convictions, and DHHS substantiated

abuse against a child. We learn of these criminal records despite the petitioner's signed affidavit denying a criminal record."

This is enough to convince me that this bill would place Maine children at risk.

For these reasons, I return LD 365 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding

(H.P. 271) (L.D. 365)

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

The Following Communication: (S.C. 349)

**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 135, "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."

Current law allows the Department of Health and Human Services (DHHS) to release information in its records regarding adult protective activities to certain individuals who have a direct interest in or reason for having the information, such as a physician who suspects abuse or a member of a panel convened by DHHS or the Attorney General to investigate elder abuse.

This bill would add personal representatives of the estate of a deceased individual who was under public guardianship or conservatorship to that list without any cause or justification for such a representative to obtain this confidential information. Granting DHHS this unnecessary discretion could result in the sharing of information about elder-abuse investigations with the very subjects of those investigations.

Under current law, DHHS may already share the information in question with a court's approval. Passing a new law because past litigants may not have liked a court's decision would be reactionary and result in potentially bad decisions in the future. For these reasons, I return LD 135 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

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

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To 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)

In Senate, May 4, 2017, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

35 voted in favor and 0 against, and 35 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

The Following Communication: (H.C. 152)

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

May 9, 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:"

- Criminal Justice and Public Safety
- L.D. 908 An Act Establishing the Crime of Child Abuse in the Maine Criminal Code
- L.D. 1154 An Act To Provide a Voluntary Method of Determining Whether a Purchaser of a Firearm Is Prohibited from Possessing a Firearm without a Background Check
- L.D. 1173 An Act To Require That Information on Prisoners' Furlough Be Reported to the National Crime Information Center, Department of Public Safety and State Bureau of Identification
- Judiciary
- L.D. 578 An Act To Modify the Divorce Laws Concerning Perpetrators of Domestic Violence
- L.D. 581 An Act To Require Notification When a Temporary Protection from Abuse Order Is Rescinded
- L.D. 668 An Act To Facilitate the Return of Unclaimed Property
- L.D. 773 An Act To Enact the Uniform Real Property Transfer on Death Act
- L.D. 1099 Resolve, To Require the State To Bring Suit against the Federal Government for Failure To Comply with the Federal Refugee Act of 1980
- L.D. 1120 Resolve, Directing the Maine Commission on Domestic and Sexual Abuse To Study Economic Abuse
- State and Local Government
- L.D. 69 An Act To Increase the Salary of the Governor

- L.D. 899 Resolve, To Establish the Commission To Study the Salaries of the Governor, Legislators and Executive and Legislative Staff
- L.D. 1087 An Act To Define When a Municipal Land Use Decision Is Considered Final for Purposes of an Appeal to Superior Court
- L.D. 1100 An Act To Increase the Salaries of the Governor and Legislators
- Veterans and Legal Affairs
- L.D. 4 An Act To Amend the Licensing Requirements for Beano Halls Leased by Veterans' Organizations
- L.D. 407 An Act To Simplify the Laws Regarding Games of Chance
- L.D. 564 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Number of Signatures Required for a Direct Initiative of Legislation
- L.D. 796 RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Referendum Questions for Statewide Ballots
- L.D. 1284 An Act To Require Election Transparency and Audits
- L.D. 1293 An Act To Allow Wine Tastings at Farmers' Markets
- L.D. 1411 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit Petitions for Direct Initiatives That Would Violate the Constitution of Maine
- L.D. 1525 An Act To Clarify the Laws Governing Alcohol Manufacturer Licenses

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (H.C. 153)

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

May 9, 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 Inland Fisheries and Wildlife has approved the request by the sponsor, Representative Martin of Eagle Lake, to report the following "Leave to Withdraw":

- L.D. 241 An Act To Eliminate the Authority of Game Wardens To Violate the Hunting and Fishing Laws When Carrying Out the Duties of the Department of Inland Fisheries and Wildlife

Pursuant to Joint Rule 310, the Committee on Taxation has approved the request by the sponsor, Representative Tipping of Orono, to report the following "Leave to Withdraw":

- L.D. 733 An Act Regarding Maine's Tax Code

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

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

The Following Communication: (S.C. 376)

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

May 4, 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 actions whereby it accepted

- the Minority Ought Not to Pass Report from the Committee on Inland Fisheries and Wildlife on Bill "An Act To Exempt Certain Veterans from Hunter Safety Courses" (H.P. 38) (L.D. 52), in non-concurrence;
- the Majority Ought Not to Pass Report from the Committee on Criminal Justice and Public Safety on 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), in non-concurrence.

Best Regards,

Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery"

(H.P. 1090) (L.D. 1586)

Sponsored by Representative RYKERSON of Kittery.

Cosponsored by Senator HILL of York and Representatives: BEEBE-CENTER of Rockland, BLUME of York, LAWRENCE of South Berwick.

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

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 Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System"

(H.P. 1091) (L.D. 1587)

Sponsored by Representative HERBIG of Belfast.

Cosponsored by Senator VOLK of Cumberland.

Bill "An Act To Remove Barriers to Professional Licensing for Veterans"

(H.P. 1096) (L.D. 1592)

Sponsored by Representative GOLDEN of Lewiston. (GOVERNOR'S BILL)

Cosponsored by Representatives: FARRIN of Norridgewock, FECTEAU of Biddeford, HERBIG of Belfast, LUCHINI of Ellsworth, STETKIS of Canaan, Senators: BRAKEY of

Androscoggin, CARPENTER of Aroostook, MASON of Androscoggin.

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 Maintain Mail Routes and Access to Residential Structures"

(H.P. 1092) (L.D. 1588)

Sponsored by Representative HILLIARD of Belgrade. (GOVERNOR'S BILL)

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 Simplify the Taxation of Leasing Tangible Personal Property and To Clarify the Incidence of Use Tax"

(H.P. 1093) (L.D. 1589)

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 Strengthen the Restrictions Governing Lobbying by Former Legislators and Former Executive Branch Officials"

(H.P. 1095) (L.D. 1591)

Sponsored by Representative FARRIN of Norridgewock.

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.

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

ORDERS

On motion of Representative TALBOT ROSS of Portland, the following Joint Resolution: (H.P. 1094) (Cosponsored by Senator GRATWICK of Penobscot and Representatives: BROOKS of Lewiston, FOLEY of Wells, HYMANSON of York, KINNEY of Knox, VACHON of Scarborough, WARREN of Hallowell, Senator: CARSON of Cumberland)

JOINT RESOLUTION TO RECOGNIZE MAY 6 to 12, 2017 AS NATIONAL NURSES WEEK

WHEREAS, the nearly 3,400,000 registered nurses in the United States constitute our nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meet the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and

WHEREAS, a renewed emphasis on primary and preventive health care will require better utilization of all of our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component of the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technologies and the explosive growth of home health care services; and

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in the State; and

WHEREAS, the cost-effective, safe and high-quality health care services provided by registered nurses will be an increasingly important component of the national health care delivery system in the future; and

WHEREAS, along with the American Nurses Association, the American Nurses Association - Maine has declared May 6 to 12, 2017 as National Nurses Week, with the theme "Culture of Safety - It Starts with You," in celebration of the ways in which registered nurses strive to provide safe and high-quality patient care and to map out the way to improve our health care system; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, recognize May 6 to 12, 2017 as National Nurses Week to celebrate registered nurses' accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week but at every opportunity throughout the year and ask that all residents of this State join in honoring the registered nurses who care for all of us.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Ken Blais, of Auburn, owner of Rolly's Diner, who has been named Citizen of the Year by the Auburn Business Association. We extend to Mr. Blais our congratulations and best wishes;

(HLS 330)

Presented by Representative BICKFORD of Auburn. Cosponsored by Senator BRAKEY of Androscoggin, Representative MELARAGNO of Auburn, Representative SHEATS of Auburn.

On **OBJECTION** of Representative BICKFORD of Auburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, each year the Auburn Business Association recognizes an individual who has contributed his or her time and abilities to the community. This year's Citizen of the Year is Ken Blais. He's an accomplished business owner known for giving back to the community. Well known for his culinary expertise, Ken established Rolly's Diner in New Auburn in 1993. One of his greatest culinary accomplishments was being honored Chef of the Year in 2013 by the American Culinary Foundation. Ken is a co-founder of the United New Auburn Association, an outlet for the New Auburn community to have a voice. Ken and UNAA have hosted many events and fundraisers at Rolly's such as community yard sales, pig roasts, antique car shows, Christmas events, parades, Halloween in New Auburn, May Day Celebration at Walton School, chili and chowder competitions for the Boys and Girls Club, and fundraising for the Bells of St. Louis, just to name a few. Madam Speaker, I am honored to have Ken Blais at the State House today. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Thank you, Madam Speaker. I apologize for not rising sooner. I wanted to give every one of my colleagues a standing invitation to come to Rolly's Diner where Ken makes the best crepes in Maine.

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

REPORTS OF COMMITTEE

Change of Committee

Representative **HYMANSON** from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Epidemic of Opiate Abuse"

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

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-43)** on Bill "An Act To Improve the Ability of Maine Companies To Manufacture and Market Bioplastics"

(S.P. 218) (L.D. 656)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

PECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-43)**.

READ.

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

Representative **ESPLING** of New Gloucester **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**: 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. 77

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Ceбра, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, 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, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Bryant, Frey, Guerin, McElwee, Rykerson.

Yes, 77; No, 68; Absent, 5; Excused, 1.

77 having voted in the affirmative and 68 voted in the negative, with 5 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" (S-43)** 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-43)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-98)** on Bill "An Act To Provide Funding for Preschool Programs"

(H.P. 419) (L.D. 603)

Signed:

Senator:

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 Not to Pass** on same Bill.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle

READ.

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

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

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

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

Representative **FARNSWORTH**: Thank you, Madam Speaker, Women and Men of the House. I want to speak on behalf of this particular bill which is basically to support the continued efforts to start up pre-K programs in our state. I think everybody understands the science behind pre-K programs in terms of early childhood development, brain development. How important it is to basically provide stimulation and positive learning environments at an early age in order to lay the ground work for the child as they are getting into school and then ultimately for a much more positive life. The law passed by the Legislature several years ago appropriated \$4 million per year in order to do the startups. Luckily, we got a federal grant which basically filled the gap, somewhat, and we didn't have to appropriate the money because we had the federal money to help us through. Well, as with much federal money, it has run out. And we now need to finally shoulder the responsibility for maintaining these particular programs, the startup of these particular programs. Unfortunately, the original legislation that was passed targeted 2017 as the year during which we would achieve universal pre-K. Well folks, we're not there yet. And so, we need to keep at

this. At this particular point, in this year's budget, the Chief Executive did not only not fund a continuation of the startup program, but actually changed the policy to eliminate the necessity to initiate this program. My goal is to basically say we need to continue the program. This bill asks that we fund the project and that we pay for the staffing in the Department of Education to ensure that the development happens and that we are sure that what we are achieving has the level of quality that we need in order to ensure that these children have the kind of early childhood experience that will help them for a lifetime of growth and commitment to our state. One of the things that was amazing about the testimony on this particular bill was the fact that we had everybody from the Maine Children's Alliance, which of course you would expect, all the way to the chamber of commerce, to a retired military officer's group, the sheriff's department, I mean you could go down the list of the people that were supportive of this particular legislation with no appreciable opposition. I would urge people to take a look at this and yes, it cost money, it's not free, but my gosh the ultimate payoff is well documented and we need to continue on this course in order to ensure that we are able to do the best for our kids. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I just want to share my experience that my grandchildren in Massachusetts have access to pre-K and young professionals who we want to attract to Maine, care very much about their families. This is an economic consideration as much as anything else. I hope you will support the bill. Thank you.

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

Representative **GINZLER**: Thank you, Madam Speaker. Madam Speaker, I just want to say I rise in opposition to the motion. I and those of us on the committee that voted in opposition to this bill did not vote in opposition to pre-K. What we voted on was the method of funding. First of all, there is an \$8 million fiscal note attached to this bill and that original program, a number of years ago, was meant to be a startup program, not a maintenance program and the continuation program, but a startup program. And it greatly achieved its objective because today, 70 percent of all SAUs actually operate a pre-school program. But lest you think that the Chief Executive abandoned pre-K in the budget, that's not the case. It's just that the funding mechanism has changed and instead we have a per-pupil head count for preschoolers as part of the EPS program or the EPS model. So, we are counting four year olds. And there is also additional targeted funding. So, it's not called the startup program anymore, but there is funding there for pre-K for the remainder of the SAUs who may still want to operate a pre-K program. Thank you.

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

ROLL CALL NO. 78

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Martin J, Martin R, Mastraccio,

McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pickett, Pierce T, Pouliot, Reckitt, Riley, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Bryant, Frey, Guerin, Rykerson.

Yes, 81; No, 65; Absent, 4; Excused, 1.

81 having voted in the affirmative and 65 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-98)** 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-98)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on Bill "An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers"

(H.P. 43) (L.D. 56)

Signed:

Senators:

SAVIELLO of Franklin
GRATWICK of Penobscot
VOLK of Cumberland

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-108)** on same Bill.

Signed:

Representatives:

KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

READ.

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 Sanford, Representative Mastraccio.

Representative **MASTRACCIO**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in support of the pending motion. When a constituent came to me last year with a request to put in a bill that would place a deposit on nips, I will confess, I didn't know what he was talking about. A short walk around the pond and it all became clear. Nips are 50 ml or smaller bottles of alcohol that are not covered under the bottle bill, have no deposit on them and are increasingly lining our roadsides, walkways, and ditches in every community in this state. More than 8 million nips were sold in Maine in 2016, according to the Maine Bureau of Alcoholic Beverages. It's estimated that number will jump to 12 million in 2017. LD 56 would place a 5-cent deposit on these tiny bottles and would surely increase the incentive for recycling. Madam Speaker, I have talked to many people in my community about this proposal and I have not found one person who is opposed to placing a deposit on these bottles. In fact, they do not understand why it has not already been done. It may have made sense in the past to exclude nips from the redemption process, but that is no longer the case. Maine's bottle bill is one of the most successful in the country. We recycle about 90 percent of our bottles and cans in Maine, which is more than double the state's average recycling rate for other materials.

The SPEAKER: The member will defer. The House will be in order. While one member is speaking, please keep comments to a minimum among yourselves and if you have conversations, please move them outside of the Chamber. The member may proceed.

Representative **MASTRACCIO**: Thank you, Madam Speaker. The deposit program supports over 1,000 jobs at hundreds of redemption centers, reduces cost for towns and taxpayers for litter clean up, container collection, and recycling, and provides a source of funds for charities. Expanding the bottle bill to include nips will, at the very least, prevent litter and encourage recycling of this ever-expanding multitude of bottles. I urge you to vote yes on the motion and support the passage of LD 56 and Madam Speaker, 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 Newport, Representative Fredette.

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

The SPEAKER: The member may proceed.

Representative **FREDETTE**: My understanding is that there is a \$1.3 million fiscal note attached to this and so, I would like to know if that is in fact true or not and I would also like to ask the Clerk to read the Committee Report.

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

The SPEAKER: The Representative from Newport, Representative Fredette, has posed a question through the Chair. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you very much. I'd like to point out that the fiscal note does not pertain to the general fund. The fiscal note only applies to the alcohol beverage fund. The fiscal note indicates that it is anticipated that the Alcoholic Beverage Fund will have sufficient revenue to fund

the additional allocation for the foreseeable future. However, the additional expenditures from the fund may put required future payments to the Maine Municipal Bond Bank at risk. The position of the committee was that the Bureau of Alcoholic Beverages should be treated like any other business seller or bottle products distributor, just like Coke, Pepsi, or Budweiser. This is a case where the state is acting as a business. The Bureau of Alcoholic Beverages fiscal note assumes that their contractor, Pine State, will have to break down all of the ten bottle sleeves and attach stickers to each bottle and then renegotiate the contract with Pine State Distributors. This dollar impact on BABLO is based on shaky assumptions. It makes a wild assumption about the volume of sales. They are projecting 12 million nips sold in fiscal year '17 and 14 million in fiscal year '18. The assumption is that there will be an eight cent cost on each one of these. There's also the assumption that the distilleries will not simply print the redemption on bottle labels which would result in almost no cost whatsoever. Sazerac, a Maine Distillery, with 42 percent of all nip sales in Maine, plans to do exactly that but the fiscal office will not accept that fact. BABLO's estimate does not increase price to cover cost. Any business that needs money to run the cost of the business always has the ability to raise the price. The problem can be solved by distillers printing into their own labels or by raising the price of the product. I will point out an interesting fact that pertains to the potential costs. The per-ounce cost of whiskey and spirits in nip bottles is significantly lower than the per ounce cost when you purchase the same amount in larger pint bottles. The price increase to cover the bottle bill expenses, which is 8 cents per nip bottle, would still allow nips to be cheaper per ounce than the pint and larger bottles. Thank you.

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

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Madam Speaker, thank you. Ladies and Gentlemen of the House, what a beautiful day, it's not the least bit nippy. By design in my earlier years here, the conception of the bottle bill was passed to address environmental concerns hoping to encourage the return of bottles and cans in order to reduce the litter along the roads and byways. A good deal of my workout routine is accomplished by walking a two-mile jaunt on the closest road to me. In the winter, I walk from my home towards Gray Village and back, while during the summer, I walk around Crystal Lake and I have done this for 20 years. Over the last two years, in particular, it has become blatantly obvious to me that there is a tremendous number of wee bottles, lovingly referred to as nips, on the roadside. At first I thought they had a deposit on them. However, I was quickly corrected. This intensified my attention to what looked like an increasing amount of nips and small red caps on the road shoulders, in the ditches, on people's front lawns. It appeared to me that the bottles were going to stay right where they were until I stooped over and picked them up. Do you know what a chore it is to collect the nips and then match them to their proper red caps? Which is often about 100 feet down the road. My attention to detail soon led me to think that these nips were being consumed by, guess what, drivers. And once empty, were being tossed out the vehicle to dispense with any hard evidence of their behavior while driving. By this time, I have become compulsive to get them all picked up and off the road. I knew that at least I could put them in a plastic bag, get them home, and then take them to the popular Gray Transfer Station, lovingly referred to as the dump, for recycling. That

may also be the behavior of those who enjoy a nip at home but when driving, it's out the window we go. Self-diagnosing myself with a bit of a compulsiveness now to get them into a bag and off the roadside, I realize that the diehard bottle collectors didn't care about these troublesome, worthless little nips. That is why they were keeping me company and being a constant eyesore on my jaunts. Disciplined bottle pickers are on the hunt for as many refundable bottles and cans as they can carry in one swipe. I'm sure you've all seen them, you must have them in your communities, folks who ride their bikes and as they go they perform this public service, which gives them a 5-cent tip for each effort. Just as an aside, during my research, I found that clearly, the Fireball is the most popular nip by far. Upon closer inspection as I washed my nips, bottles, I read on the back of a little bottle why it might be so much in demand. It says, and I quote -- get ready -- "Ignite the night." Well there you have it. There's the answer. Hence, I have arrived at my destination today to ask you to consider adding these little nips to the deposit-seal-bearing returnable container list. Had I not taken my exercise routine out to the streets, I would never have realized the extent of how much in finite detail true garbage there is on the side of the roads. But, it requires an up close and personal slow-moving relationship to really take it all in. If you are in your car driving by, you will not see these little critters. It's absolutely disgusting what behavior has led some to feel so free and uninhibited to use our great outdoors as their grand waste can and garbage disposal. Yuck. Just as an aside, I have quite a collection of these little bottles and they are here with me today in another room and I've even made jewelry. In case this doesn't pass, I may go into business being a high-end creative designer of really high-tech modern jewelry. But I did check with the good Honorable Clerk of the House to see if I could share those with you and I got a little bit of a scrunchy of the face, nodding of the head and I took that to be maybe you better not. Being the good girl that I am, the nip picker that I am, I'm going to ask you please, please consider this bill. If for nothing else, than it will keep me in an upright position and not let my good folks, constituents that go by me at 50 and 60 mph, day in and day out, bent over in the ditch picking these nips up and I do have for your consideration, as I close, two slogans that you can pick from. One, "Let's nip littering in the bud." Get a little, you know, you get that little bud thing there. Or, "Let's put a tip on the nip." You decide.

The **SPEAKER**: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. I keep getting, keep going after someone who gives such a great speech. Although, I appreciate the intent of this bill, as a property owner, I don't see how this is going to solve the problem we have with littering. My family owns a large amount of land in the town of Knox and we're constantly picking up soda and beer cans off of our farm and throughout our woods and these are things that are already included in the bottle bill here in the state. We even have a convenient store that takes the returnables back right across the street from the field that gets most of these bottles and cans. I don't see how this is going to solve the problem and so encourage you to follow my light.

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

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. I note that there was a flyer on my desk this morning, Madam Speaker, that says 5-cent deposit is

supported by the largest bottler of nips in Maine, Sazerac. I would like to note that I have my folder from the committee public hearing and work session on my desk. They never testified in favor of this bill. So, I don't know where that possibly could of came from.

I would also like to note that the returnable bottle bills were designed primarily as a tool to encourage recycling at a time when the concept of recycling did not have wide-spread acceptance in the State of Maine. That is no longer the case. Recycling rates across the country, and in the State of Maine, have improved and continue to evolve to keep pace with modern waste management. I'd also like to note that a recent visit to Eco Maine was informed that personally ecomaine wished they received all present returnables, specifically aluminum as it is very valuable to them. The State of Maine has a problem. We have an overall problem with trash pollution. I believe broader positive environmental effects could result from looking at other approaches to litter prevention. Some approaches should include working with state agencies and organizations on existing programs like Adopt-A-Highway and cleanup programs and updating education campaigns that reach out via our non-profits. Instead of spending state funds to implement the pending motion, I believe the fiscal note says in the ballpark of \$1.2 million, I feel these funds should be better utilized to implement new and creative public service announcements utilizing our Maine conservation non-profits which would address all the trash that we have throughout the state that needs to be cleaned up and off the roads. And, I would also like to note that in my landscaping business, I don't see many nip bottles, I have found three so far but the beer cans are outrageous. Thank you very much, 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. In the great bottle bill debate, it is now apparent in my opinion, that size, in fact, does matter and bigger is better when it comes to how our highways are treated. I co-sponsored this bill because there's a couple of stores, one of them in New Sharon, and one of the selectmen from New Sharon said, "Hey, I'd like you to take a ride with me." And you could basically tell how long it would have taken someone to either drink a nip or put it in a bottle as to the locations that these began to be seen in the distances from that store. While I can understand the intent of Amendment "B" to raise fines, the reality is, unless you're going to DNA test, or fingerprint these bottles, unless you actually catch the person doing it, it's very unlikely. Societies have decided how they're going to keep their highways clean for years. Some of it is that it's just cultural. You know, when I was a child if my father would have caught me littering, the fine would have not been monetary. In the south, there's been prevalent use of chain gangs but in Maine, we decided to use the bottle bill and one of its mechanisms that it has been is to get trash off the highways. And so, anybody that can find any better way than adding this to the bottle bill, I've asked for and sought, I don't see it. So, let's get this trash off the highways by using the same mechanism we've been using fairly successfully for the last few decades.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. Yes, this is about litter. I happen to live one-half mile exactly from a corner store. I have nip bottles all over the yard. Other Representatives talked

about the cause of that. It's not so much litter but it's the distance from picking it up at the store, depositing it in oneself, and then throwing it out the window. So, this in fact is an economic development bill. For those young people who walk the streets or ride their bicycles it's an opportunity to pick up a nickel and pick up some trash. I've been doing it for a long time, back when they had poles that had a basket on it that said litter bug with a picture of a bug on it. There were deposits in that trash, in the city of Bangor, of bottles. An enterprising older man now, used to walk the streets to go to the B&A at the Office he used to walk over the river to his office and home. One night I saw him walk by that litter basket about ten steps, turn around go back and pull a bottle out of that litter basket. He still does that today. I do the same thing on my jobs. I have carpenters, contractors, sub-contractors, and laborers who buy bottles of drink. They buy those bottles, drink half of it, set it on the window sills to clutter the jobs. So, I decided I'd go back after work and take those bottles and deposit. I have a two-year-old today, two-year-old grandson I've been depositing those bottles as I've collected them in an account for him for his future. I now have \$450 of bottles returned in an account for a two-year-old. This, in fact, is an economic development bill and it makes sense.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, we all remember in history class the discussion between or differentiating between protective tariffs and revenue tariffs: protective being high enough to discourage purchase and revenue being low enough to raise money but not discourage the purchase. Yes, I address this issue as a former teacher of young students. This product is problematic to me, not only because it's a blight to our landscape and in ponds, and not just because of its contents, but in the combination of contents and packaging. The product permits deception. And, I'm talking about both in the classroom and in the workplace which has consequences for productivity and for safety. So, the bill before us, the motion before us is not going to discourage purchase, much to my dismay, but it is environmentally sound and it's a baby step in the right direction. I hope you will support the motion. Thank you.

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

ROLL CALL NO. 79

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Fuller, Gattine, Gerrish, Ginzler, Golden, Grant, Grignon, Grohman, Hamann, Handy, Hanington, Harlow, Harrington, Harvell, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perkins, Perry, Pierce T, Reckitt, Riley, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Bickford, Cebra, Chace, Espling, Farrin, Fredette, Gillway, Haggan, Hanley, Hawke, Johansen, Kinney J, Kinney M, Lockman, Malaby, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Sirocki, Stetkis, Strom, Sutton, Timberlake, Turner, Wallace, Winsor.

ABSENT - Bryant, Frey, Guerin, Rykerson, Sanborn.

Yes, 111; No, 34; Absent, 5; Excused, 1.

111 having voted in the affirmative and 34 voted in the negative, with 5 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-107)** was **READ** by the Clerk.

Representative TUCKER of Brunswick **PRESENTED House Amendment "A" (H-132) to Committee Amendment "A" (H-107)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-107) as Amended by House Amendment "A" (H-132) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-107) as Amended by House Amendment "A" (H-132)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Concerning Screening of Newborns for Lysosomal Storage Disorders"

(H.P. 198) (L.D. 265)

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
MALABY of Hancock
PERRY of Calais
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-110)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

MADIGAN of Waterville
PARKER of South Berwick

READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **HARVELL**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I believe we're not in sync up here on the. Are we on 6-5? Okay.

The **SPEAKER**: The Chair will answer in the affirmative.

Representative **HARVELL**: Okay, in that case, I want to rise and speak on this just for a moment. I stuck this bill in a couple of times, it's been for a woman named Jamie Davis, who lives in a District of mine, who had daughter named Addilyn and while I understand a lot of the problems come out of this in the committee, I just look forward to the day that one day we can actually pass something that would be effective.

Subsequently, 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 as Amended by Committee Amendment "A" (H-109)** on Bill "An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities"

(H.P. 292) (L.D. 401)

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

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

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

Signed:

Senator:

HAMPER of Oxford

Representative:

SANDERSON of Chelsea

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-109)** 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-109)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Provide Flexibility in the Purchase of Lobster and Crab Trap Tags"

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

Signed:
Senators:

MAKER of Washington
VITELLI of Sagadahoc

Representatives:

KUMIEGA of Deer Isle
ALLEY of Beals
BATTLE of South Portland
BLUME of York
HAWKE of Boothbay Harbor
SIMMONS of Waldoboro
SUTTON of Warren
TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)** on same Bill.

Signed:
Representative:

DEVIN of Newcastle

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-101)** on Bill "An Act To Increase Funding for Multimodal Transportation"

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

Signed:
Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
COOPER of Yarmouth
GRANT of Gardiner
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham

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

Signed:
Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
HILLIARD of Belgrade
POULIOT of Augusta
WARD of Dedham

READ.

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

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

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

The SPEAKER: 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. 80

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

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, 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, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bryant, Frey, Guerin, Herrick, Rykerson, Skolfield.

Yes, 74; No, 70; Absent, 6; Excused, 1.

74 having voted in the affirmative and 70 voted in the negative, with 6 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-101)** 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-101)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Exempt Certain Disabled Veterans from the Motor Vehicle Excise Tax"

(H.P. 252) (L.D. 338)

Signed:
Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade

McCREIGHT of Harpswell
POULIOT of Augusta
STANLEY of Medway
TERRY of Gorham
WARD of Dedham

GRANT of Gardiner
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham

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

Signed:
Senator:

CHENETTE of York

READ.

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-103)** on same Bill.

Signed:
Senator:

CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
HILLIARD of Belgrade
WARD of Dedham

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Restore the Tax Deduction for Contributions to College Savings Accounts" (H.P. 436) (L.D. 620)

Signed:
Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
STANLEY of Medway
TERRY of Gorham

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Expand the Authority of Municipalities To Implement a Property Tax Deferral Program" (H.P. 623) (L.D. 874)

Signed:
Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

COOPER of Yarmouth
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
WARD of Dedham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-102)** on same Bill.

Signed:
Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
McCREIGHT of Harpswell
POULIOT of Augusta
WARD of Dedham

READ.

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

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

Signed:
Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
BICKFORD of Auburn
GRANT of Gardiner
McCREIGHT of Harpswell
TERRY of Gorham

READ.

Representative TIPPING of Orono moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Denno.

Representative **DENNO**: Thank you, Madam Speaker. I wish to speak in support of the Minority Ought to Pass Report.

The SPEAKER: The member will defer. The member may speak only against the Majority Report, the item that's on the table.

Representative **DENNO**: All right, I wish to speak in opposition to the Majority Ought Not to Pass Report. When I talked to voters this last fall, no topic got more attention than property taxes, especially with seniors. My community is full of homes where couples raise their children which are now

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes" (H.P. 511) (L.D. 727)

Signed:
Senators:

DOW of Lincoln
CHENETTE of York

Representatives:

TIPPING of Orono
COOPER of Yarmouth

occupied by only one or two people. The upkeep and property taxes are a huge burden to the seniors living there but the homeowners, often an elderly widow on her own, typically don't want to leave their community. They want to age in place, surrounded by the community they're comfortable with. There is an existing statute that enables municipalities to implement property tax deferral programs. For a qualifying homeowner, such programs would lock in their current property tax amount for the rest of their lives. The accumulated unpaid portion of their tax bill, representing any increases over that base rate, would be collected at the time when the home is transferred, likely at the owner's death. However, that statute is very prescriptive as to the age of who can qualify, what their income level must be, how long they need to have lived in that community. As a result of these prescriptions, almost no Maine municipality has adopted a tax deferral program. This bill is exceedingly simple. It removes the prescriptive language, and leaves it up to the towns to decide whether to adopt a property tax deferral program, and if the town decides to adopt a program, what criteria would apply. It is less prescriptive language, it is more local control, it is freedom to create property tax deferral programs for seniors, and I would hope that you would vote in opposition to the Majority Ought Not to Pass Report. Thank you.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Regarding the Exclusive Use of Tax Exempt Property"

(H.P. 785) (L.D. 1121)

Signed:
Senators:

DOW of Lincoln
CHENETTE of York
CUSHING of Penobscot

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham
WARD of Dedham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-104)** on same Bill.

Signed:
Representative:

POULIOT of Augusta

READ.

On motion of Representative TIPPING of Orono, 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. 232) (L.D. 670) Bill "An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 233) (L.D. 671) Bill "An Act To Allow for Accurate Credit for a License Suspension for Operating under the Influence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 109) (L.D. 343) Bill "An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-52)**

(S.P. 248) (L.D. 803) Bill "An Act To Improve Transparency in the Electricity Supply Market" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-49)**

(H.P. 941) (L.D. 1364) Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 152) (L.D. 196) Bill "An Act To Protect Personal Information of Participants in a Community Well-being Check Program" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-126)**

(H.P. 537) (L.D. 757) Bill "An Act To Amend the Charter of the Richmond Utilities District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-115)**

(H.P. 763) (L.D. 1085) Bill "An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-119)**

(H.P. 969) (L.D. 1395) Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the Buddy Wendall McLain Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-125)**

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

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

(H.P. 129) (L.D. 173) Bill "An Act To Reduce Food Insecurity" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-121)**

On motion of Representative HERBIG of Belfast, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

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

**ENACTORS
Emergency Measure**

An Act To Provide for the 2017 and 2018 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 343) (L.D. 1037)
(C. "A" S-44)

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. 116 voted in favor of the same and 27 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

Act To Protect the Confidentiality of State and Local Government Employees' Private Information

(H.P. 104) (L.D. 146)
(C. "A" H-85)

An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons

(S.P. 179) (L.D. 518)
(C. "A" S-45)

An Act To Return the Normal Cost of Teacher Retirement to the State

(H.P. 417) (L.D. 601)
(C. "A" H-73)

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.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 4, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

(H.P. 987)

TABLED - April 13, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ADOPTION** (2/3 Vote Required).

Subsequently, on motion of Representative HERBIG of Belfast, the Joint Resolution was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**. Sent for concurrence.

Bill "An Act To Amend Education Statutes"

(S.P. 537) (L.D. 1531)

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

TABLED - April 25, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-47)** - Minority (2) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Funding for Landfill Closure Costs"

(S.P. 191) (L.D. 576)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-47)**.

TABLED - May 4, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative TUCKER of Brunswick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-47)** 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-47)** in concurrence.

SENATE PAPERS

Bill "An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino"

(S.P. 560) (L.D. 1590)

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

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, TABLED pending **REFERENCE** in concurrence and later today assigned.

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

On motion of Representative McCREIGHT of Harpswell, the House adjourned at 11:56 a.m., until 10:00 a.m., Thursday, May 11, 2017, in honor and lasting tribute to Virginia Martin Williams, of Freeport.