

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
39th Legislative Day
Tuesday, May 16, 2017

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

Prayer by Pastor Greg Sidders, White Pine Community Church, North Yarmouth.

National Anthem by Bucksport High School Acapella Choir.

Pledge of Allegiance.

Doctor of the day, Cathleen London, M.D., Milbridge.

The Journal of Thursday, May 11, 2017 was read and approved.

Pursuant to her authority under House Rule 401, Section 12, the Chair excused Representative DEVIN of Newcastle from all House deliberations and roll calls from Tuesday, May 16, 2017, until further notice.

SENATE PAPERS

Non-Concurrent Matter

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)

Majority (8) **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-34)** in the House on May 2, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-35)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

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)

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on May 9, 2017.

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

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

Non-Concurrent Matter

Bill "An Act To Promote Keeping Workers in Maine"

(H.P. 350) (L.D. 487)

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" (H-49)** in the House on April 27, 2017.

Came from the Senate with Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Increase Funding for Multimodal Transportation"

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)** in the House on May 9, 2017.

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

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Provide Funding for Preschool Programs"

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

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)** in the House on May 9, 2017.

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

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 162)

STATE OF MAINE

OFFICE OF THE GOVERNOR

1 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0001

May 12, 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 57, "An Act To Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers."

This bill establishes statewide goals in statute as an effort to increase the amount of municipalities that adopt ordinances to reduce the use of plastic bags and polystyrene foam food containers to 20 in 2018; 35 in 2024; and 50 in 2029. It also requires the Maine Department of Environmental Protection to track this information online and report back to the Legislature on the status of these goals and include recommendations for legislation to achieve these goals.

I don't understand the need for this bill. Towns and cities can currently enact strict ordinances related to these products and have done so in southern Maine without the state encouraging them with arbitrary goals not based on science. The report required in this law will most likely collect dust on the shelf and cost time and resources to the DEP.

As a state we need to get serious about helping our economy grow. This can be done while also protecting the environment. Instead of spending time on bills like this, we could be further streamlining business regulations and putting policies into place that will attract people to our great state with more good paying jobs. This bill will just be another cause of uncertainty in our economy.

For this reason, I return LD 57 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 Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers

(H.P. 44) (L.D. 57)
(C. "A" H-18)

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. 95V

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, 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, Prescott, Reckitt, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Brooks, Dillingham, Herrick, Lawrence, Pouliot.

Yes, 73; No, 70; Absent, 6; Excused, 2.

73 having voted in the affirmative and 70 voted in the negative, with 6 being absent and 2 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 163)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

May 12, 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 529 "An Act To Ensure Resiliency of the Maine Electrical Grid."

This bill would require each investor-owned transmission and distribution utilities to submit an annual report to the Maine Public Utilities Commission detailing what steps had been taken to protect its bulk transmission system from geomagnetic disturbances and electromagnetic pulse. This bill would also require the investor-owned transmission and distribution utilities to include in this annual report to the Commission, "neutral direct current monitoring information from autotransformers." Finally, the bill requires the Commission to include the above-described information as part of its annual report to the Legislature.

These reporting requirements are unnecessary and burdensome. Pursuant to Title 35-A, Section 101, the Maine Public Utilities Commission ensures that Maine's public utilities provide safe, reasonable and adequate service. In addition, Maine's transmission and distribution are subject to the requirements and standards set by the Federal Energy Regulatory Commission (FERC). The FERC recently approved new reliability standards adopted by the North American Electric Reliability Corporation (NERC) to address potential impacts of geomagnetic disturbances on the reliable operation of the bulk-power system. These standards are the result of a long, detailed proceeding undertaken by an agency that is expert in the safe operation of the bulk transmission grid. Imposing additional annual reporting requirements beyond those required by the regulating authorities will only needlessly add to the burden and costs of the transmission and distribution utilities, without improving safety.

For these reasons, I return LD 529 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 Ensure Resiliency of the Maine Electrical Grid

(H.P. 373) (L.D. 529)
(C. "A" H-45)

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. When I went to a Nationwide Grid Resiliency Conference several years ago, the Department of Energy rated dangers to the grid. Cyber-attack was number one, electromagnetic pulse was number two. Every week our electrical grid is subject to geomagnetic disturbances. Hydro Quebec grid was down for most of a day due to a pulse recently. When we have the big one, we will know. Some of our transformers have a two-year lead time for replacement. Imagine large parts of our electrical grid being down for even weeks. No lights, no gas pumps, no food refrigeration, no

microphones in this chamber. Well, maybe that's not so bad. This is a bipartisan bill. It passed the Energy Utilities and Technology Committee with a Unanimous Report Ought to Pass. It merely asks that the utilities report their measures for strengthening the grid against geomagnetic disturbances. I urge you not to sustain this veto. Thank you.

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

Representative **FREDETTE**: Morning. Thank you, Madam Speaker. I would just simply ask that you read the Chief Executive's veto letter. I will support it and I ask that you 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. 96V

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, 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, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Dillingham, Herrick, Lawrence.

Yes, 76; No, 69; Absent, 4; Excused, 2.

76 having voted in the affirmative and 69 voted in the negative, with 4 being absent and 2 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 392)

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

May 9, 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 992), "An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation."

The Town of Baileyville built the "Baileyville Commercial Park." Baileyville built roads to the park and installed sewer and water service. Two lots in the park have now been sold. Only after this had all taken place was it discovered that the "Baileyville Commercial Park" is not actually located in Baileyville. It turns out the park is actually located in Baring Plantation. This bill was submitted in order to move the boundaries of the Town of Baileyville to include approximately 60 acres upon which the commercial park was built.

My objection to this bill is that boundaries exist for reasons, and there should be compelling reasons for them to be changed. It is incumbent on planners to understand what land belongs to them before they begin building. I believe there are other options available to the towns that do not require their boundaries to be moved.

For this reason, I return LD 992 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 Moving the Town Line between Baileyville and Baring Plantation

(S.P. 331) (L.D. 992)

(C. "A" S-26)

In Senate, May 11, 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?'

31 voted in favor and 0 against, and 31 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

Representative **TUELL**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise today to ask you to override the Chief Executive's veto of LD 992, An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation. You have not heard me get up on my soap box about local control much this session or how Mainers uniquely protected their right to self-government by ensconcing the home rule authority in our State Constitution. That, Madam Speaker, changes today, as we discuss whether this bill should become law over the objections of the Chief Executive. One might be forgiven in thinking that a bill in the Legislature to move the town line between two municipalities in Washington County flies in the face of local control. And on the surface of it, you'd be right. But as with many other vetoes, there is much, much, much more to the story. In this case, the two municipalities involved each voted at a town meeting of their own to agree to the change as a condition of the bill coming forward. At that time, and only at that time, did a member of the other body bring this proposal forward. Now, you might say this sort of thing has never happened in state history, that town lines have never moved and that doing so sets a dangerous precedent. This morning I spoke with another member of this body, who said that they had a similar situation take place in their area, in the Enfield area. In truth, Veazie and Bangor had similar legislation pass around ownership of the Mount Hope

Cemetery. So, it is not new, it is not opening Pandora's Box, but it is respecting the wishes of both communities, their residents, and their municipal leaders. But, it is also not just about local control. It's about opening those communities for business. Baring has no zoning ordinances, no code enforcement officer, and cannot issue building permits. Baileyville can. And the area up for discussion is a business industrial park, meaning that if development can't occur, both communities and the entire region is going to be impacted economically. Many in this chamber like to talk about how they're getting rid of red tape, reducing the regulatory burden, making this state more business-friendly. This bill does all of those things and we as a body, not as Republicans or Democrats or Independents to have a chance to let two Washington County communities move forward. I ask you to join me, join your colleagues, and the State and Local Government Committee who voted unanimously for this bill and I do so as a Washington County resident, a local control advocate, and as one who believes that this veto truly misses the mark. Please join me in voting green on the pending motion. Thank you.

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. 97V

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

NAY - Lockman, Ordway, Stetkis, White.

ABSENT - Brooks, Dillingham, Herrick, Lawrence.

Yes, 141; No, 4; Absent, 4; Excused, 2.

141 having voted in the affirmative and 4 voted in the negative, with 4 being absent and 2 excused, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (H.C. 164)

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

May 11, 2017

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

Dear Clerk Hunt:

Pursuant to my authority under Title 20-A, MRSA, Part 5, Ch. 426, §12304.2-A, I am pleased to appoint the following individuals to the Advisory Committee on Dental Education, effective May 11, 2017:

Representative Heather W. Sirocki of Scarborough to seat 5 as a member of the House of Representatives

Ms. Rita Fournier of Augusta to seat 11 as a non-voting representative of the Finance Authority of Maine

Ms. Kalie Hess of Augusta to seat 2 as a representative of a major statewide coalition dedicated to issues related to ambulatory care

Ms. Claire Berkowitz of Augusta to seat 3 as a representative of a major statewide alliance dedicated to children's issues

Dr. Jonathan Shenkin of Augusta to seat 1 as a representative of a major statewide organization representing Dentists

If you have any questions, please don't hesitate to contact my office.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

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

The Following Communication: (H.C. 165)

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

May 16, 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 Jorgensen of Portland, to report the following "Leave to Withdraw":

L.D. 391 An Act To Provide Funding for Maine Public
Pursuant to Joint Rule 310, the Committee on Education and Cultural Affairs has approved the request by the sponsor, Representative Austin of Gray, to report the following "Leave to Withdraw":

L.D. 749 An Act To Ensure Municipal Equity for the
Town of Frye Island

Pursuant to Joint Rule 310, the Committee on Veterans and Legal Affairs has approved the request by the sponsor, Representative Luchini of Ellsworth, to report the following "Leave to Withdraw":

L.D. 976 An Act Regarding Primary Election
Contribution Limits and Contribution Limits
for Unenrolled Candidates

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

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

The Following Communication: (H.C. 166)

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

May 16, 2017

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

Dear Speaker Gideon:

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

Education and Cultural Affairs

- L.D. 940 An Act To Increase Student Learning Time
L.D. 1080 An Act To Prevent Economic Hardship in
Maine School Administrative District 44
L.D. 1234 An Act To Amend Maine's Truancy Laws by
Specifying Penalties for Noncompliance
L.D. 1294 Resolve, To Convene a Study Group To
Study Proficiency in Content Areas for
Secondary School Graduation Standards
L.D. 1337 An Act To Define "Surrogate" for Student
Residency Purposes
L.D. 1371 An Act To Address Costs for Certain Special
Education Students (EMERGENCY)
L.D. 1434 An Act To Clarify the Laws Regarding
Education in the Unorganized Territories
L.D. 1452 An Act To Ensure Student Privacy in the
Digital Age

Health and Human Services

- L.D. 263 An Act To Provide Additional Assistance for
the Elderly and Persons with Disabilities
Receiving Food Supplement Program
Benefits
L.D. 264 An Act To Provide to Certain Benefit
Recipients Information Regarding Personal
Finance Planning and To Distribute Benefits
More Frequently
L.D. 1017 An Act To Strengthen Work Participation in
the Temporary Assistance for Needy
Families Program
L.D. 1105 An Act To Promote Independent Living for
People with Disabilities
L.D. 1136 Resolve, Directing the Department of Health
and Human Services To Amend Its Rules
Regarding Services Provided to Students
L.D. 1186 Resolve, Directing the Department of Health
and Human Services To Develop a
Resource Guide for Assistance in Substance
Abuse Matters
L.D. 1272 An Act To Move Administration of the Child
and Adult Care Food Program from the
Department of Health and Human Services
to the Department of Education
L.D. 1291 An Act To Increase Affordability of and
Access to Heat Pumps for Maine
Homeowners

Sincerely,
S/Robert B. Hunt

Clerk of House

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

The Following Communication: (H.C. 167)

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

May 16, 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 May 12, 2017

James R. Erwin, Esq. of Yarmouth and
Mark R. Gardner of Kittery for reappointment to the Board of
Trustees, University of Maine System.
Pursuant to P&SL 1967, Chapter 229, these reappointments
are contingent on the Maine Senate confirmation after review
by the Joint Standing Committee on Education and Cultural
Affairs.

Wade E. Merritt of South Portland for appointment as the
International Trade Director.

Pursuant to Title 5, MRSA §13070-C, this appointment is
contingent on the Maine Senate confirmation after review by
the Joint Standing Committee on Labor, Commerce, Research
and Economic Development.

John P. Butera of Waterville for appointment as the
Commissioner, Department of Labor.

Pursuant to Title 26, MRSA §1401-A, this appointment is
contingent on the Maine Senate confirmation after review by
the Joint Standing Committee on Labor, Commerce, Research
and Economic Development.

Sincerely,
S/Sara Gideon
Speaker of the House

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

The Following Communication: (S.C. 396)

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

May 11, 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 Veterans and
Legal Affairs

- the Honorable Richard A. Nass of Acton for reappointment
to the Commission on Governmental Ethics and Election
Practices
- Patricia A. Rice of Veazie for reappointment to the State
Liquor and Lottery Commission;

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development

- Adrian P. Kendall, Esq. of Cumberland, for appointment to the Maine Rural Development Authority;

Upon the recommendation of the Committee on Education and Cultural Affairs

- Truman J. Slocum of Phippsburg for appointment to the Maine Maritime Academy, Board of Trustees;

Upon the recommendation of the Committee on Energy, Utilities and Technology

- the Honorable Barry J. Hobbins of Saco for appointment as the Public Advocate.

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 Reduce Costs to Businesses by Phasing Out the Pet Food Surcharge" (EMERGENCY)

(H.P. 1104) (L.D. 1601)

Sponsored by Representative BLACK of Wilton. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing"

(H.P. 1105) (L.D. 1602)

Sponsored by Representative MAREAN of Hollis. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

Bill "An Act To Provide Flexibility for Education Technology Programs in Maine Schools" (EMERGENCY)

(H.P. 1106) (L.D. 1603)

Sponsored by Representative GERRISH of Lebanon. (GOVERNOR'S BILL)

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 Prioritize Family Members as Surrogates for Medical Decisions"

(H.P. 1108) (L.D. 1607)

Sponsored by Representative HAWKE of Boothbay Harbor. (GOVERNOR'S BILL)

Cosponsored by Senator ROSEN of Hancock and Representatives: BLACK of Wilton, FOLEY of Wells, GERRISH of Lebanon, HANINGTON of Lincoln, MALABY of

Hancock, PICKETT of Dixfield, SANDERSON of Chelsea, STETKIS of Canaan.

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

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

Sent for concurrence.

Resolve, To Amend Authorization To Sell Certain Property in Augusta

(H.P. 1107) (L.D. 1604)

Sponsored by Representative POULIOT of Augusta. Cosponsored by Senator KATZ of Kennebec and Representatives: AUSTIN of Gray, CHACE of Durham, SEAVEY of Kennebunkport, WHITE of Washburn.

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

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 Support Employment Opportunity in Maine"

(H.P. 1109) (L.D. 1608)

Sponsored by Representative PARKER of South Berwick. Cosponsored by Senator CARSON of Cumberland and Representatives: ACKLEY of Monmouth, FREY of Bangor, GATTINE of Westbrook, HYMANSON of York, PIERCE of Falmouth, POULIOT of Augusta, STROM of Pittsfield, SYLVESTER of Portland.

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

Committee on **STATE AND LOCAL GOVERNMENT** suggested.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Arlena Tolmasoff, of Bucksport, a senior at Bucksport High School, who is a recipient of a 2017 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend our congratulations to Arlena on her receiving this award;

(HLS 360)

Presented by Representative CAMPBELL of Orrington.

Cosponsored by Senator ROSEN of Hancock.

On **OBJECTION** of Representative CAMPBELL of Orrington, was **REMOVED** from the Special Sentiment Calendar.

READ and PASSED and sent for concurrence.

Recognizing:

the Bucksport High School Unified Basketball Team, of Bucksport, which won the 2017 Northern Maine Championship. Members of the team include players Jacob Ames, Hannah Ashmore, Luke Brann, Luke Breidt, Masen Dale, Josh Geagan, Kennedy Goodine, David Gross, Quincy Howes-Mosher, Tyler Howes-Mosher, Emily Hunt, Nick Johnson, Drew Malenfant, Ben McDonald, Sam Munn, Jacob Pyles and Charlie Westcott; and coaches Lexie Brann, Mark Garcelon and Sean Geagan. We extend to all the members of the team our congratulations and best wishes;

(HLS 361)

Presented by Representative CAMPBELL of Orrington.

Cosponsored by President THIBODEAU of Waldo, Senator ROSEN of Hancock, Representative WARD of Dedham.

On **OBJECTION** of Representative CAMPBELL of Orrington, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Kris MacCabe, of Wilton, who has been named the Maine Game Warden of the Year. We thank Warden MacCabe for his service and congratulate him on his receiving this honor;

(HLS 369)

Presented by Representative BLACK of Wilton.

Cosponsored by Senator SAVIELLO of Franklin, Representative ACKLEY of Monmouth.

On **OBJECTION** of Representative BLACK of Wilton, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Madam Speaker, Men and Women of the House. It is my honor to speak this morning as we recognize Kris MacCabe as the 2016 Maine Warden of the Year. You will likely recognize Kris for his role on the TV show *North Woods Law*. But this award certainly goes beyond his participation in the TV show. This award is in recognition of Warden MacCabe's ability to consistently display exceptional performance in all areas of his job at the Warden Service. Which this includes, but is not limited to, the pursuit of intentional fish and game violators, public relations, community involvement, and a successful completion of his K-9 duties. Warden MacCabe now serves as District Warden for Farmington. Along with his heavy caseload, Kris is very active in the community. Last year alone, he handled over 400 calls for his service and gave 18 speaking engagements. Kris MacCabe promotes the Warden Service and our entire state in the most positive perspective with his professionalism, his ability to create strong relationships with the public, and educating our communities about the state's natural resources. Congratulations, Kris on being named the 2016 Warden of the Year. Thank you, Madam Speaker.

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

Recognizing:

Bucksport Police Chief Sean Geagan, of Bucksport, who received the Maine Chiefs of Police Association Life Saving Award in 2016. We extend to Chief Geagan our congratulations and best wishes;

(HLS 390)

Presented by Representative CAMPBELL of Orrington.

Cosponsored by Senator ROSEN of Hancock, Representative WARD of Dedham.

On **OBJECTION** of Representative CAMPBELL of Orrington, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Bucksport Fire Chief Craig Bowden, of Bucksport, who received the American Red Cross Real Heroes Award, the Maine Chiefs of Police Association Act of Bravery Award in 2016 and the Maine State Police Citation for Bravery in 2016. We extend to Chief Bowden our congratulations and best wishes;

(HLS 391)

Presented by Representative CAMPBELL of Orrington.

Cosponsored by Senator ROSEN of Hancock, Representative WARD of Dedham.

On **OBJECTION** of Representative CAMPBELL of Orrington, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. It's an honor to stand before you today as a Representative from Bucksport. And the citizens of Bucksport are extremely proud of all we have presented today's special sentiments to. You've all heard them read, I won't mention them again. But, today we have with us a State Champion Diver, State Champion Wrestler, who's a freshman, the Jazz Combo, the Quartet, unified Basketball team, robotics team, all with their coaches. Bucksport town officials: the Mayor, David Keene; Susan Lessard, Town Manager; Kathy Downes, Town Clerk; and you've heard already about our police and fire chiefs. I won't be speaking to each one of these sentiments. Today I want to tell us a little story. A story about a little town on the Penobscot, 4,400 people, the town of Bucksport. One day on October 10, 2014, I was standing in a little hall across the street from the gate of the Verso Mill, wondering what was to come. Then, surrounded by just a few media people, a couple of cameras, we were anticipating what was about to happen, something that the town had expected for so many years, but never really thought it would come. Officials from Verso came in and we'd heard a few minutes earlier, had spoken with the Governor, and they shut down the Verso Mill. Verso, Champion, St. Regis to many of us, a mill that had been operating since 1931. That was a sad day. The next day I remember vividly, was early in December, the last whistle call for a mill that had created a vibrant economy throughout the lower Penobscot basin. This time it was a little different. The last people came out of the mill. There were lots of tears. Lots of people. The whole town was there. The fire trucks, the police, the ambulance, and the people of Bucksport wishing them well. But then there are a lot of cheers, a lot of cheers, for the people who had come before them, that had spent so many years working on behalf of their families. That was a tough day. But that was the day that the community spirit exploded in Bucksport. There were a lot of people who didn't think we had a future but most of us did. Community groups, as you can see in the brochure that I've handed out, like Main Street Bucksport, Heart and Soul, Bucksport Bay Chamber of

Commerce, Wednesdays on Main, Senior Resource Group, Bucksport Healthy Communities Coalition, Bucksport Nets, Bucksport Area Cultural Arts. The people came around a little project that was in the works, it was called Wilson Hall. Wilson Hall was one of the last remaining buildings in a seminary that sat on the hill. And it had a cupola, and the cupola was bent like this. The supports of that cupola went all the way down to the basement, three stories below, and it had been eroded by the winds and the weather. The columns, 8 x 8, had been rotted off, and that cupola was listing. Similar to what one would expect of a small town on the Penobscot, Bucksport. But that isn't what happened to the town of Bucksport. The town of Bucksport gathered, they gathered around many, many different projects, and on the inside folder of what I've passed around, the town manager has listed the accomplishments in this three short years. I'll share one with you that the town manager spoke of. On my committee, we were talking about solid waste. So, the town, who had been spending X on solid waste, created a transfer station. The transfer station was there, but instead of having a hauling contract for their solid waste for \$26,000, they bought a used cab truck and without extra expenditures, and the town hauled their own trash to the solid waste disposal. It's innovation, it's thinking outside the box that Bucksport has done to be able to succeed under tremendous pressures. Bucksport's tax base had diminished in one day by 43 percent. Gone. With the help of you and the Legislature in the last legislative session, we were able to work on sudden and severe school funding. We really appreciate what you did for us on that. The tax mill rate in Bucksport rose slightly but has settled back down to 16.50, one of the lowest in the state and maintain all their municipal services. The budget actually decreased \$100,000. That's almost impossible. So, today we are here and we have most of the organizations we've spoken of, the sentiments that we've passed, and all the town officials here to say that we're proud of Bucksport. We're really proud of Bucksport and if there's an example of how a town can make it, Bucksport is it. Please come and visit Bucksport. Thank you.

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

Recognizing:

Anthony Wardwell, of Bucksport, who won the State Class A Individual Title in Diving and received the Class A Diver of the Year Award. We extend to Anthony our congratulations and best wishes;

(HLS 392)

Presented by Representative CAMPBELL of Orrington. Cosponsored by Senator ROSEN of Hancock, Representative WARD of Dedham.

On **OBJECTION** of Representative CAMPBELL of Orrington, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

In Memory of:

Susan Rebecca Howard Curra, of Knox. Mrs. Curra trained to be a nurse and worked at the Perkins School for the Blind and John Hopkins Medical Center, among other places. She and her family moved to Maine in 1970. She served as Knox's town clerk and was an educational technician in special education for many years for School Administrative District No. 3. She also worked as a nurse, a hospice volunteer and a

notary. She was a member of the Grange for 50 years. Mrs. Curra will be long remembered and sadly missed by her husband of 51 years, Peter, and by her family and friends;

(HLS 359)

Presented by Representative KINNEY of Knox. Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative KINNEY of Knox, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **KINNEY**: Thank you, Madam Speaker. Men and Women of the House, I'm honored to stand today to recognize the loss of a wonderful member of the town of Knox. Sue Curra was one of the first farmers in our town that my family met when they moved to Knox Ridge in March of 1977. Her bright smile has brought joy to all who have known her. The Curra Farm Stand has been a staple on the roadside of Route 137 for longer than I can remember, filled with local fruits and vegetables grown on her farm in Knox, also hosting a wide selection of her famous jams and jellies. She would stop in and visit each fall to ask to pick crab apples from our crab apple tree so that she could make crab apple jelly. Although we told her to come any time year after year, she always asked first because it was a chance to visit and spend quality time with her neighbors. To say we will miss Sue is an understatement. Heaven has definitely gained a special member. Thank you.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-50)** on Bill "An Act To Deter the Dealing of Dangerous Drugs"

(S.P. 22) (L.D. 42)

Signed:
Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow

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

Signed:
Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
LONGSTAFF of Waterville
RECKITT of South Portland
TALBOT ROSS of Portland

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-50).

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **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 East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Madam Speaker. I honestly don't know where to begin with my remarks on this bill today, but I can tell you that the drug crisis has overrun many of our small rural communities down in Washington County and people are truly frustrated with the situation. Yes, many feel we need treatment and education resources. I wholeheartedly agree that they do and have supported efforts in the community to get them the help they need. I have voted for efforts to bring peer support services to our area, efforts to help communities deal with the drug crisis, and have supported funding of educational outreach to our communities and schools. In fact, I'm the lead co-sponsor on a bill to deal with many of the drug problems our county faces and I certainly plan to support that when it comes before the full body next session. I say all of this because I firmly believe that if we ignore the law enforcement piece, if we don't fight back against crime, if we continue to let dealers get away with light sentences, if we don't put the people dealing things like heroin, fentanyl, and the daily drug of choice behind bars for a good long time, we are not going to truly get our arms around this crisis. Last spring, I developed a questionnaire for my constituents. It was sent out to every household in my district. One of the questions on that survey asked people whether they felt people who deal drugs should be charged with manslaughter. Sixty-four percent of those who responded, I got somewhere in the ballpark of 230 responses, said that yes, dealers ought to be locked up. Well, 230 people is a small sliver of my district, I'll grant you. So, one of the things I did when I went door-to-door last summer and fall was ask people what they thought we ought to do about drug dealing in our communities. Many of them said they knew who the dealers were, that the police know who the dealers are, that they have friends and family who have succumbed to overdoses or committed crimes to support their addiction. And given that, the dealers should, at the very least, be charged with manslaughter. I would say anecdotally, people feel it should be murder. Some wanted to see public hanging brought back and I'm not saying I agree with that, I don't. But while that is certainly not what this bill is, you get the idea. People where I am from, want our state, want our counties, want our law enforcement agencies to have every tool in the box to be able to fight back and put people who are truly destroying our communities, through their dealings, put them to justice. Honestly, I wonder sometimes whether we are serious about holding people who do despicable things, like drug dealing, accountable. I'm sure there will be a parade of people get up here on the floor today and say we are already doing lots of things, that the public just doesn't understand the boat the legal and law enforcement community is in. But we are in a dire situation in this state and I think it's high time we make every effort we can to move the ball forward on all fronts; treatment, education, and law enforcement. I applaud Senator Cyrway for bringing this issue forward. I leapt at the chance to

sign onto it and I know many law enforcement people who put hours upon hours into drug investigations, both individually and working with other agencies. It takes a tremendous amount of effort, a tremendously high bar to bring someone in, and an even higher bar bring someone to justice. This bill says that if you clear all those hurdles, the drug dealer your agency has invested so much time and money in, is not going to get any favors from Maine's Criminal Justice system. I also know people will say that if there weren't a market for drugs there wouldn't be so many dealers out there. And I would argue that that doesn't make drug dealing right, acceptable, or something we as a Legislature ought to go soft on. If you are going to deal, for whatever reason, you are going to have to accept the consequences of your decision. It doesn't mean that you can't reform, turn over a new leaf, seek repentance, and move on. But it does mean you are going to be held to account for your criminal activity and you are going to have to make a conscious choice to change your behavior and not exploit our most vulnerable citizens and their addictions, the addictions you are knowingly spreading to other people by dealing drugs. I thank you for the opportunity to speak both as a Representative and as one who lives in an area where people are truly frustrated, scared, and beleaguered by the insidious nature of those drug dealers. And as a side note, I know the Representative from Beals sees this in his own community and we've talked about this many times on the trek to and from, at our suppers and gatherings and what not, and it's really getting out of hand. It is time to pass this bill and reject the motion before us and I sincerely hope we have strong bipartisan support for it. Because if we don't, all this talk about a three-legged stool of education, treatment, and law enforcement is just lip service. That might be harsh, but there you have it, and while I'm at it, well I guess a roll call has already been asked for so I won't ask for it again. Thank you, Madam Speaker.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I couldn't agree with my friend more that we all are very interested in making sure that we do something about this crisis. I don't think that anybody who lives in any part of this state has not been affected somehow by this. But the reality is that this is already a law. It's already in statute. Individuals who provide drugs to someone who dies, can already be charged with two separate Class A crimes, including manslaughter. By creating a more specific carveout, prosecutors have told us it makes it more difficult for them to do their job. Our natural response I think, or the response that we've used for decades in this country, is to get tougher and tougher and tougher and tougher, but the data does not support that that's working. The prosecutors and the judges, they are not coming to us and asking us to repeat, to put more things in the criminal code. In fact, they have said when we do that it makes them tougher, it makes it tougher for them to do their job. We all agree that we want to do something to save lives. But this, Madam Speaker and Women of the House, this is not it. This does the exact opposite of what we want. So, I ask you to please join me in voting for the Ought Not to Pass Report on this bill. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker. Men and Women of the House, this bill makes the illegal trafficking in a drug with or furnishing of a drug to a person when the injection, inhalation or ingestion of the drug by that

person causes death a Class A crime of manslaughter. While I realize putting the pushers of this poison in Maine away will not bring back the victim, charging them, and often times they're not charged, just might bring some sense of justice to Maine families. We are all aware of the fact that in 2016 there were 378 overdose deaths. There are many times during drug death investigations where there is sufficient evidence to prove that a drug dealer provided an illegal substance to an individual who ultimately ingested that drug and died as a result. I asked my colleagues in the House, when are we going to hold those dealers, those traffickers, truly accountable to the deaths of our fellow Mainers, our friends and our family members? This legislation will do that by charging them with manslaughter. Over and over we hear that heroin is mixed with fentanyl, a deadly killer 50 times more potent than morphine. Just last month, my county, York, the gateway to the state from the south, experienced our first confirmed death to carfentanil. The drug is indeed here in Maine. Carfentanil is a synthetic opioid that is 10,000 times, that is 10,000 times, more potent than morphine and 100 times more potent than fentanyl. Drug dealers are spreading this poison throughout our communities and families are suffering. It's long overdue to send the message to these peddlers of poison that we will prosecute you. We must do this. We must get them off the street before they kill again. Thank you.

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

Representative **LAWRENCE**: Thank you, Madam Speaker, Men and Women of the House. I rise not just as a Representative but as a former prosecutor who has prosecuted many of these crimes. My office handled drug crimes through the Attorney General's Office. In my office, I can tell you, prosecutors have more than enough tools now to prosecute drug traffickers. They have been doing it for decades, they have been doing it well, they have been holding them accountable. Passing this law will make no difference. Understanding what is causing drug addiction and what is causing this epidemic will make a difference. Thank you.

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

ROLL CALL NO. 98

YEA - Ackley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, 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, McCreau, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

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

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

ABSENT - Brooks, Dillingham, Herrick.

Yes, 76; No, 70; Absent, 3; Excused, 2.

76 having voted in the affirmative and 70 voted in the negative, with 3 being absent and 2 excused, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Give the Courts Sentencing Discretion When a Person with a Developmental Disability Has Been Convicted of a Crime"

(S.P. 227) (L.D. 665)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

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

Signed:

Representatives:

WARREN of Hallowell
LONGSTAFF of Waterville
TALBOT ROSS of Portland

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

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-73)** on Bill "An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution"

(S.P. 265) (L.D. 820)

Signed:

Senators:

SAVIELLO of Franklin
GRATWICK of Penobscot
VOLK of Cumberland

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond

KINNEY of Limington
MARTIN of Eagle Lake
PIERCE of Dresden
STROM of Pittsfield
ZEIGLER of Montville

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
CHACE of Durham
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

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

Signed:
Representative:
HARLOW of Portland

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-73).**

READ.

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-63)** on same Bill.

Signed:
Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
DENNO of Cumberland
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Law Regarding Recreational Gold Prospecting" (EMERGENCY)

(S.P. 458) (L.D. 1350)

Signed:
Senators:
SAVIELLO of Franklin
GRATWICK of Penobscot
VOLK of Cumberland

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

READ.

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

Representatives:
TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
KINNEY of Limington
MARTIN of Eagle Lake
PIERCE of Dresden
ZEIGLER of Montville

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding Insurance Coverage of Certain Dental Services"

(S.P. 302) (L.D. 900)

Signed:
Senators:
WHITTEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

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

Signed:
Representative:
STROM of Pittsfield

Representatives:
CRAIG of Brewer
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
SANBORN of Portland
WALLACE of Dexter

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

READ.

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-56)** on same Bill.

Signed:
Representatives:
LAWRENCE of South Berwick
BROOKS of Lewiston
COLLINGS of Portland
PRESCOTT of Waterboro

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

(S.P. 13) (L.D. 34)

Signed:

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

READ.

On motion of Representative LAWRENCE of South Berwick, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-72)** on Bill "An Act To Amend the Insurance Laws Governing the Provision of Rebates"

(S.P. 382) (L.D. 1161)

Signed:
Senators:

WHITTEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:

LAWRENCE of South Berwick
BROOKS of Lewiston
COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

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

Signed:
Representative:

MELARAGNO of Auburn

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-72)**.
READ.

On motion of Representative LAWRENCE of South Berwick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-72)** 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-72)** in concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act Regarding Drug Testing in the Transportation Sector"

(S.P. 481) (L.D. 1403)

Signed:
Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
CEBRA of Naples

GILLWAY of Searsport
GRANT of Gardiner
PARRY of Arundel
PERKINS of Oakland
SCHNECK of Bangor
SHEATS of Auburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-87)** on same Bill.

Signed:
Senator:

MIRAMANT of Knox

Representative:

BRYANT of Windham

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Fund and Enhance the Maine Diversion Alert Program" (EMERGENCY)

(H.P. 182) (L.D. 249)

Signed:
Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-146)** on same Bill.

Signed:
Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
LONGSTAFF of Waterville
TALBOT ROSS of Portland

READ.

Representative WARREN of Hallowell moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker. Men and Women of the House I rise today in opposition to the pending motion. I have always been a huge proponent of Maine's Diversion Alert Program. If you are not familiar with what they do, they furnish very important drug arrest information to Maine's physicians. At the public hearing on April 15th, we heard from the program's director that she'd applied for 15 grants for funding but had only received one. At no time were committee members told that the administration had funded \$150,000 over the biennium. Committee members would not learn this important funding fact until the work session. Just prior to the work session, I personally learned from the Chief Executive's Office that this item was indeed funded in the changed package. I was pleased to hear this but informed the Chief Executive's Office that the Director of Diversion Alert must not be aware of this as she was requesting \$190,000 and informed us of her inability to secure grant funding. The administration assured me at the time of the public hearing, again April 15th, that the director was indeed aware of the funding in the budget. I also learned from the program director that Maine's Diversion Alert staff is made up of three employees, a director at 30 hours a week, a program assistant at 20 hours per week and a marketing outreach coordinator at 30 hours per week. So, my question to my colleagues in this body, is do you feel the budgeted amount of \$150,000 over the biennium is sufficient for these three part-time positions? I most certainly do. If you agree with me, I ask you to oppose the pending motion. Thank you.

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

ROLL CALL NO. 99

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, 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, McCreau, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Brooks, Dillingham, Herrick.

Yes, 76; No, 70; Absent, 3; Excused, 2.

76 having voted in the affirmative and 70 voted in the negative, with 3 being absent and 2 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-146)** 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-146)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-139)** on Bill "An Act To Enhance Maine's Response to Domestic Violence" (H.P. 369) (L.D. 525)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Representative:

GERRISH of Lebanon

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-139)** 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-139)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-147)** on Bill "An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle" (H.P. 716) (L.D. 1014)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford

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

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

Signed:

Representatives:

WARREN of Hallowell
TALBOT ROSS of Portland

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Migratory Game Birds To Be Hunted on Sundays" (H.P. 348) (L.D. 485)

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-145)** on same Bill.

Signed:

Representatives:

THERIAULT of China
WOOD of Greene

READ.

Representative DUCHESNE of Hudson moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **PIERCE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I oppose this motion. Hunting migratory birds on Sunday is actually a federal activity. You have to buy a federal duck stamp and it has to be coupled with a state duck stamp. Under the federal guidelines for duck hunting you have to fill out a kill list or how many ducks you harvested and that has to be turned in to U.S. Fish and Wildlife. Migratory bird hunting is done on the coastal plains and the rivers and waterways. It's not a private property issue. It's simply an activity that a lot of people would like to do. It's done in the morning, and the afternoon, and I think that this is a good way to help encourage hunting in Maine. Have people buy their, that you'll have to buy your regular state hunting license, then your federal migratory duck stamps. This is done in every other state. I hope you follow my light and object this motion and I request a roll call.

The same Representative **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 Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. I rise to agree with the Representative from Dresden, Representative Pierce, which feels really weird. Because I did make the motion and I do support the motion of Ought Not to Pass which was the 10-2 Majority Report of the committee. Our cultural resistance to Sunday hunting isn't logical, very often. I mean, we get it, we know that landowners support hunting but they also want one day of quiet enjoyment of their own property. And, so we get that and the committee usually comes down on waiting for the cultural resistance to hunting on Sunday's to catch up with modern realities. But, we won't even let hunters go out on the ocean three miles to shoot ducks on Sunday. That's how ingrained this is as a cultural artifact in the state. And as Tom Doak, of Maine Woodland Owners, echoed what we hear from the majority of landowners, the majority of citizens of Maine, they just don't want Sunday hunting. And so, the majority of the committee once again came down on that side. I think, like the Representative of Dresden, I look forward to someday maybe there will be opportunities where it makes some sense and we're not disturbing landowners. We just didn't get there yet. Thank you, Madam Speaker.

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. 100

YEA - Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bradstreet, Bryant, Campbell, Cardone, Chapman, Collings, Cooper, Daughtry, Denno, Duchesne, Espling, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Guerin, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pickett, Pierce T, Pouliot, Reckitt, Reed, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sirocki, Spear, Stanley, Stearns, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Wadsworth, Wallace, Warren, White, Winsor, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Bickford, Black, Casas, Chace, Corey, Craig, DeChant, Dunphy, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Malaby, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Prescott, Sampson, Sanderson, Sherman, Simmons, Skolfield, Stetkis, Stewart, Strom, Sutton, Sylvester, Theriault, Timberlake, Turner, Vachon, Ward, Wood.

ABSENT - Brooks, Cebra, Dillingham, Herrick.

Yes, 92; No, 53; Absent, 4; Excused, 2.

92 having voted in the affirmative and 53 voted in the negative, with 4 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act Regarding Game That Is Confiscated in Connection with an Alleged Violation of Inland Fisheries and Wildlife Laws" (H.P. 617) (L.D. 868)

Signed:
Senators: CYRWAY of Kennebec
WOODSOME of York

Representatives:
DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
WOOD of Greene

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

Signed:
Senator: CARPENTER of Aroostook

Representative:
THERIAULT of China

READ.

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-148)** on Bill "An Act To Increase the Penalties for Hunting Deer over Bait" (H.P. 761) (L.D. 1083)

Signed:
Senators: CYRWAY of Kennebec
WOODSOME of York

Representatives:
DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
WOOD of Greene

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

Signed:
Representative:
THERIAULT of China

READ.

Representative DUCHESNE of Hudson 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 East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Madam Speaker. I want to give everyone a little brief background about this bill. This bill I brought forward is a constituent request in response to some illegal hunting activity going on in our area. We have a real problem with night hunting and folks with baiting deer, and what not. And this bill, this bill actually cracks down on those who are hunting...

The SPEAKER: The member will defer. The House will be in Order, if you are going to have conversations please take them outside the chamber. The member may proceed.

Representative **TUELL**: Thank you, Madam Speaker. This bill actually stiffens the penalties on baiting deer. It is not, it does not get into what constitutes baiting, it says that if you were convicted, if you go to court, if you plead your case and you're convicted, then you face a stiffer penalty, which in this situation would be a revocation of your hunting license for a year on a first offense, two years on a second, and three years on a third. And I believe if we're going to have these game laws, we ought to at least have some teeth behind it. And I firmly believe that and I would encourage you to support the motion before us. I think it's a good thing for our game community, for responsible hunters. We have people out there that are destroying hunting. The department testified in favor of this bill and rather forcefully, I may add. They testified that they pick people up for secondary offenses, that baiting deer is a cultural thing for so many, and it often times is about eluding the law and not holding our game laws in high esteem. So, I would encourage you to support the motion before us. Thank you, Madam Speaker.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, I'll be voting in opposition to the motion. I'd personally supply all the apples anybody needs to bait these deer. Shoot them because they've been a small problem up there on the farm. And I don't think this is a problem. I think this is more regulation that we don't need. So, follow my light.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Being from rural Maine, growing up in Northern Maine, Downeast Maine, and then in Central Maine, hunting is a part of the tradition of the calendar year that everybody enjoys and the growing of food plots is something that has become fairly commonplace for hunters from here and from away. It's something that is commonplace. I don't think passing a bill to increase penalties for people that you know, somehow, I think we're moving actually in the wrong direction on this particular bill and I will not be supporting the motion.

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. 101

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

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

ABSENT - Brooks, Dillingham, Herrick.

Yes, 78; No, 68; Absent, 3; Excused, 2.

78 having voted in the affirmative and 68 voted in the negative, with 3 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-148)** 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-148)** and sent for concurrence.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size"

(H.P. 549) (L.D. 769)

Signed:

Senators:

WHITTEMORE of Somerset
DOW of Lincoln

Representatives:

CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-143)** on same Bill.

Signed:

Senator:

CARSON of Cumberland

Representatives:

LAWRENCE of South Berwick
BROOKS of Lewiston
COLLINGS of Portland
MELARAGNO of Auburn
SANBORN of Portland

READ.

Representative LAWRENCE of South Berwick moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding this would be a rollback of PL 90, a bill that we passed in an earlier session, and I would request a roll call and I will be opposing the pending motion.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 South Berwick, Representative Lawrence.

Representative **LAWRENCE**: Thank you, Madam Speaker. In fact, this is not a rollback of PL 90. This is a protection for rural Mainers. This is a protection for older Mainers. It says insurance companies cannot discriminate against you simply because you live in Aroostook County, Washington County, if you're older they can't discriminate against you. Under current state law, under current state law, an insurance company can charge an older person up to five times as much for an insurance premium. Under federal law, they are protected; it's only up to three times. Federal law goes away and currently under state law, it goes up to five times. If you want to protect older Mainers, if you want to protect rural Mainers, you will vote for this bill.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd just like to correct my good friend from South Berwick. What it allows is an insurance company can charge young people three times less. When we did PL 90, the levels did not change for older people but it allows younger people to be able to afford insurance. Thank you.

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

ROLL CALL NO. 102

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, 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, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, 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, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Dillingham, Gattine, Herrick. Yes, 76; No, 69; Absent, 4; Excused, 2.

76 having voted in the affirmative and 69 voted in the negative, with 4 being absent and 2 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-143)** 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-143)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-135)** on Bill "An Act To Enact the Toxic Chemicals in the Workplace Act" (H.P. 490) (L.D. 699)

Signed:
Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU 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

READ.

Representative FECTEAU 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. 103

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, 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, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, 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, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Dillingham, Herrick. Yes, 77; No, 69; Absent, 3; Excused, 2.

77 having voted in the affirmative and 69 voted in the negative, with 3 being absent and 2 excused, accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-135)** 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-135)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application" (H.P. 762) (L.D. 1084)

Signed:
Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:

MARTIN of Sinclair
BRYANT of Windham
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
PICKETT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-149)** on same Bill.

Signed:

Representatives:

BEEBE-CENTER of Rockland
ORDWAY of Standish
SPEAR of South Thomaston

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-144)** on Bill "An Act To Improve Public Transportation in Maine"

(H.P. 871) (L.D. 1248)

Signed:

Senators:

COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:

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

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

Signed:

Representative:

CEBRA of Naples

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" (H-144)** 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-144)** and sent for concurrence.

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Resolve, To Investigate Extending Passenger Rail Service to Central Maine

(H.P. 909) (L.D. 1312)

Signed:

Senators:

COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-154)** on same Resolve.

Signed:

Representatives:

AUSTIN of Skowhegan
SCHNECK of Bangor

READ.

On motion of Representative McLEAN of Gorham, 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 Permit Unenrolled Voters To Cast Ballots in Primary Elections"

(H.P. 65) (L.D. 78)

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
LONGSTAFF of Waterville
SCHNECK of Bangor
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-155)** on same Bill.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CASÁS of Rockport
HICKMAN of Winthrop
MONAGHAN of Cape Elizabeth

READ.

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

Representative ACKLEY of Monmouth **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 Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House, friends. I filed this bill because I believe that now is the time for this Legislature to reassure Mainers' faith in the government that is ultimately theirs. Our national voting history is a testament to the success of our American experiment. Successes come from our willingness to be pioneers. Nationally, we have expanded the general election right to vote from about six percent of our citizens in the 1780s.

The SPEAKER: The member will defer. The House will be in order. The member will proceed.

Representative **ACKLEY**: Nationally we've expanded the general election right to vote from about six percent of our citizens in the 1780s to well over 95 percent today. And we should be proud of that. Today's problem is that general elections tell only half of the story. Primary elections are an essential part of our election process. Right now, in too many states, voters are shut out of this part of the process. In fact, only 15 out of 50 states have what are called open primaries and Maine is not among them. It is here that the forward progress of our representative democracy has stagnated. Here in Maine, for 2016, we had a 9.4 participation rate, 9.4 percent participation rate, for primary races. That means a small fraction of voters determine the choices that the other 90 percent of us must choose from. That's not right. The last election should be enough to show anyone -- anyone in this room, that if we become complacent with a creaky primary system, we will risk losing the confidence of our electorate. The system will be rigged and we'll be pioneers no more. To address what I call the voter choice and voice bill, I'd like you to consider it's an effort to boost the participation of the 37 percent of Maine voters, the largest single voting block of Maine voters, those who are not enrolled in a party, those who have unnecessary hurdles put in front of them when they consider participating in a primary. I think we can all agree, on our need to increase the legitimacy of good government and as Ronald Reagan once said, "This idea that government is beholden to the people, that it has no other source of power except the sovereign people. It is still the newest, most unique idea in all the long history on man's relation to man." The wider and deeper the roots of participation grow in our Republic, the more faith Mainers will have in all three branches of our government. A lasting representative democracy can only be handed down from one generation to the next, when voters know they have a real choice and that their voice is heard. Here in Maine we fund elections with this notion in mind. In fact, Madam Speaker, all Maine taxpayers pay for all of the elections. And so, the math is simple. If we all pay for it, we all should get to own it and participate. Unenrolled voters being discouraged from a primary election that their tax dollars just paid for is unjust. It's unfair and it's un-American. All Mainers should have the same equal and unfettered access to the vote on primary day, anything less is taxation without representation. We shouldn't have to learn this lesson again. The people of Maine know common sense. In March 2017, just a few months ago, a poll of 771 Mainers, voters, showed

an overwhelming propensity to favor taxpayer-funded elections being open to everybody, 73 percent of polled voters said this. So, this bill is the right thing to do because as Representatives of all Mainers, it is our fiduciary responsibility to protect the interests of taxpayers, and it's the right thing to do because it adds one more accomplishment to the long list of progress our country has made in building a durable democracy. We'll be pioneers again. My hope is that before we choose to be Democrats and Republicans and Independents today that we choose to be Mainers first instead. Thank you, I ask that you follow my light.

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

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In principle, I do not have a problem with open elections. But, the idea that this is going to increase turnout, watch South Carolina's. The reality is what gets people out to vote, and the record is absolutely clear on this in this country, is competitive elections with strong candidates. That's what does it. If you happen to be a Republican living in the District of Columbia on election day, unless you happen to be drunk and fall into a polling booth, you're probably wasting your time. The same might be said for a Democrat in Idaho or some other place. Uncompetitive elections draw weak candidates, weak candidates don't turn anybody out or excite them. We just went through a Caucus process here in 2016 and both parties had a major amount of people show up because there were contested elections and the candidates engaged some excitement. And then people actually had a choice: they can go to their town office and get a green card and register and join a party if they want. This idea of perfecting democracy and having these mandates has a history that isn't always as clear as it might seem. The dictator of North Dakota, excuse me North Korea. Pardon my turning a state into a tyrant. Everybody in North Korea is supposed to vote and they come out. Other states have tried to infuse or countries have tried to infuse and mandate elections, and my favorite example of this is Belgium where voting is necessary and 79 percent of its citizens, for over three years, voted not to have a government. The idea that people, this bill is going to return the lost confidence of the voters to us, I just don't buy it and one of the reasons is they voted for me. And you can imagine what I think about the fact that they might have voted for some of you. People have a choice, you can go where you want on this but there's no evidence that the states that do this have a higher voter turnout than we do here in Maine.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, a political party is a group of people with common interests on issues, on issues important to them, who work to elect candidates who will work to implement policy. Very simple. A primary is the election where each political party can choose their champion. The decision is made as it should be by each party voter according to their own priorities. Whether it be broad experience, single issue, experience and ability, age or sex, the temperament or trustworthiness of the candidate, or even a trivial reason, it's a personal choice and any American can join and participate. The two-party system has a long history of imperfection but it has evolved into a democratic process with transparency. Its major contribution has been to clarify elections, for President, particularly, and provide the country with a winner who has a majority and therefore a mandate of the people. And in 24 of

the 28 elections, of the last 28 elections, it has done so. Sadly, admittedly, not in the last one. A political party is not a church. You don't join to embrace, to worship, and practice a religious doctrine. You join a political party because you recognize that many in the party prioritize an issue important to you, and to be part of the discussion within the party to adopt your ideas or to learn from others and change your own ideas in order to achieve the result that you desire. The system is rigged, say so many. Party leadership does work for unity. It's their job to make the party effective in achieving success. Electing candidates and implementing policy is their job. But every party leader who makes major decisions is elected by fellow members of the party. The nature of America's parties, today, is bottom-up and anyone can join, even temporarily. You know, one of the highlights of my teaching career was taking a group of students to Boston and I was able to arrange to have the future Majority Leader of the United States and the future Secretary of Defense, Senators Bill Cohen and George Mitchell, together at the same time on the steps of the Capitol talking to my class. And at the conclusion of their comments, Senator Cohen said with a smile, "and be sure to register Republican." Senator Mitchell then piped up, "it's okay if you register Republican as long as you vote democratic." The point to take from that story is, that joining a party in no way limits who you may vote for. It actually enhances your individual power by participating in nominating your champion. Voting is a great responsibility in our Democracy. American citizenship provides an opportunity for activism. A citizen can expand his or her participation beyond the November election by voting in a primary to determine the party's nominee. But should tens of thousands of people who do not share common interest with the party be permitted to provide the winning margin in a competitive primary? I say no, not for good government. I know everyone in this chamber would defend themselves as an independent thinker. Likewise, since the advent of the secret ballot in Maine 120 years ago, when Mainers pulled that curtain behind them in the voting booth, they vote according to their conscience. The problem of democracy is not the big tent organizations of activist participation. The problem is that too many want to have their cake and eat it too. That old English proverb literally means you cannot both possess your cake and eat it. Once eaten it is gone. The proverb is used to say that one should not have more than one deserves. That one should not try to have two incompatible things. As I see it, those unwilling to join, even temporarily, do not deserve to determine the party's nominee. It is incompatible that a person, who does not share common interest on issues, be given the right to void the vote of someone who does. Let's encourage more voters to join us, but not by taking less, but taking more responsibility by stepping forward to be part of the process with fellow activists. It's not about making it easy, it's about taking civic responsibility. I support the Ought Not to Pass Report. Thank you, Madam Speaker.

The SPEAKER: The Chair will remind all members to please address the rest of the body by speaking through the Chair or addressing the Chair. The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. I appreciate the opportunity to rise a second time. My good friend, Representative Harvell, if he had been at the testimony for this bill, he would have seen about 12, maybe 13, independent voters, Democrats and Republicans testifying in favor of this bill. He also would have seen the League of Women Voters who estimated, in their testimony, that this bill

would increase voter participation, at their best guess, by about nine percent in the primary election. As far as I'm concerned, that's a good thing. Although, I appreciate all of the responses from my esteemed colleagues here, I again want to remind folks that all Maine taxpayers pay the bill for primary elections and I've yet to hear anyone come up with a solution for a return on this taxpayer's investment in primary elections that I'm unable to participate in as an Unenrolled voter.

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

Representative **CASÁS**: Thank you very much, Madam Speaker. Women and Men of the House, I'll be brief in my remarks. I just want to share a couple of thoughts. One, when I co-sponsored this bill with Representative Ackley, I started going around and just talking with folks about their desire for this bill, or lack of desire for this bill, and I found something that was pretty interesting to me. If I talked to about seven or eight out of ten common everyday voters enrolled in a party or not, they primarily supported the idea of open primaries. What became interesting is as I would ask folks that kind of climbed the political ladder, the chain, that number started to shrink. And so, by the time you got to the great folks that work in this building, that number drastically shrunk to possibly three out of ten, maybe, on a good day. And I only bring that up because there is sometimes a difference between what the citizenry appreciates and values in the way that they view or want to view how their government works for them and the folks that work in this building, and that's not to impugn anyone in this building it's just understandable that there may be some protectionism of the party platform. I also just want to kind of remark that I've never enrolled in a political party. It's something that I value a lot, but please don't misinterpret my independence for somehow not being engaged, informed, or involved. I'm a highly informed voter. I try to cast ballots for folks that that I've looked into and one of the things that's frustrating for me as an Unenrolled voter, who very much values that, is I can find a candidate in a primary that I have a high propensity to want to support, and yet that party didn't necessarily elect that person and then I have to choose between two folks that maybe I actually don't agree with either of them, and that happened twice to me in the last election. So, I think that the citizenry appreciates this, the polling states it, I'm not going to belabor the fact that I helped fund a primary, that I'm not barred from participating in, but I do have to sacrifice on my values or things that I hold dear to engage in that right. I appreciate the time, Madam Speaker.

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

Representative **COOPER**: Thank you, Madam Speaker and Ladies and Gentlemen. I am going to oppose this motion because I think that another purpose is served by opening the primaries to Unenrolled voters, and that is that the winner of primary elections will tend to be more moderate than otherwise. As I think we've all observed, candidates in primaries appeal to the extremes of their party. If it's Democrats to the left, it's Republicans to the right. We get candidates that tend to reflect the very small percentage of party members who do take the trouble to vote and that's not good for American Democracy to be represented by the extremes. We need to move more toward the center for many reasons, and the paralysis in Washington is a prime example of that. When I first started canvassing for my own campaigns, I was surprised by how many people describe themselves as Independent. They never say Unenrolled. They say they're Independent. And that's because to them being Unenrolled is

tantamount to having an independence of thought, which I greatly admire. But, I would remind them that meant that they were left out of an important part of the process of selecting the candidates. I said, "I don't care whether you enroll as a Democrat, or a Republican, or a Green, but you know that you're being left out of half of the process," and they say, "I know but I'm independent, I vote based on who the person is." Well, you can still do that if you are a member of a party. Well I got nowhere with that. So, I suggest that those people are being left out both because of their philosophical take on what it means to be an Independent and because the party candidates are leaving them out of the discussion. So, I urge you to oppose this motion.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I have always in previous Legislatures voted against this bill. Today, I will be voting in favor of the bill and against the pending motion for the simple reasons that have already been stated. I can only add that I think this really is a matter of hubris or humility, a choice between hubris or humility, for most of us that have a letter D or an R next to our name. There are more Unenrolleds than there are Democrats and there are more Unenrolleds than there are Republicans in the State of Maine. They do pay for our primaries. My own party calls itself a party that is a big tent. And I think it's time that we live up to that. I think it's time that we bring in the general electorate into our own primary system and encourage those who wish to vote in Republican primaries to do that. Perhaps, Madam Speaker, in doing so, we will make better choices. Thank you.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I'll be voting against this motion, no surprise given that I'm on the other report. I just want to read two sentences from the Secretary of State's testimony to combat this notion that voter participation may not be increased. First, the Director of Elections says "we think the number of Unenrolled voters who participate may increase under this bill because voters will not be required to commit to a party for three months." We heard testimony from people who went to the poll on Election Day as Unenrolled voters on primary election day to enroll in a party and vote, which is currently allowed under law. But every once in a while, an election worker will confuse that request with a person who wants to switch parties and vote in a primary, which must be done 15 days before an election. And when that voter is disenfranchised, they walk away, they may not ever come back. I don't think that we should be condoning that and I think that if we make it much easier for a person to enroll in a political party to vote on Election Day without having to go through that administrative burden it will increase participation.

Secondly, the Secretary of State says that "although our Department has not conducted a Presidential primary election since 2000, based on the inquiries we receive about Presidential caucuses, we anticipate many voters including Unenrolled voters will choose to participate in the Presidential primary." Again, that is a very strong statement that the Secretary of State honestly believes we will increase participation in primary elections if we pass this measure and so I oppose the motion. Thank you, Madam Speaker.

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. 104

YEA - Alley, Austin B, Austin S, Babbidge, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Denno, Duchesne, Dunphy, Espling, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Handy, Hanington, Hanley, Harrington, Harvell, Head, Higgins, Hilliard, Hogan, Hubbell, Johansen, Kinney J, Kinney M, Kornfield, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McElwee, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Riley, Sampson, Schneck, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Terry, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Madam Speaker.

NAY - Ackley, Bailey, Bates, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Farnsworth, Fay, Grohman, Hamann, Harlow, Herbig, Hickman, Hymanson, Jorgensen, Kumiega, McCrea, McCreight, McLean, Melaragno, Monaghan, Pierce T, Pouliot, Reckitt, Rykerson, Sanborn, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Tipping, Wood, Zeigler.

ABSENT - Brooks, Dillingham, Farrin, Fredette, Hawke, Herrick, Malaby, Sanderson.

Yes, 99; No, 42; Absent, 8; Excused, 2.

99 having voted in the affirmative and 42 voted in the negative, with 8 being absent and 2 excused, and accordingly 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 Limit Agency Expenditures To Influence Elections"

(H.P. 231) (L.D. 298)

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-141)** on same Bill.

Signed:

Representatives:

CASÁS of Rockport
HICKMAN of Winthrop

READ.

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

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, this bill brings to the State of Maine a provision in federal law called the Hatch Act, which prevents federal employees from campaigning. We have a restriction for campaigning in Maine for state employees: while they are on the job they may not campaign for candidates; but there is a loophole, they are allowed to campaign for ballot questions and the intent of this measure was to close that loophole in order to prevent an opportunity for corruption in government. Thank you, Madam Speaker.

Subsequently, 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. 30) (L.D. 81) Bill "An Act Regarding the Payment of Back Child Support" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-75)**

(S.P. 250) (L.D. 805) Bill "An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-70)**

(S.P. 324) (L.D. 985) Bill "An Act To Promote Medical Care for Visiting Athletic Teams" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-71)**

(H.P. 140) (L.D. 184) Bill "An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-175)**

(H.P. 148) (L.D. 192) Bill "An Act To Require Insurance Coverage for Hearing Aids" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-177)**

(H.P. 326) (L.D. 459) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-183)**

(H.P. 391) (L.D. 549) Bill "An Act To Recognize Preexisting Land Uses" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-167)**

(H.P. 457) (L.D. 643) Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-176)**

(H.P. 565) (L.D. 785) Bill "An Act To Improve Safety and Traffic Efficiency near School Grounds" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-159)**

(H.P. 598) (L.D. 849) Bill "An Act To Allow the State To Maintain Interest-bearing Accounts of Privately Donated Funds for the Upkeep of Property Managed by the State" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-178)**

(H.P. 744) (L.D. 1061) Bill "An Act To Increase Investment and Regulatory Stability in the Electric Industry" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-173)**

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

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

(H.P. 976) (L.D. 1418) Bill "An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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

Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services
(H.P. 456) (L.D. 642)
(C. "A" H-106)

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

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

Acts

An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax

(H.P. 28) (L.D. 27)
(C. "A" H-100)

An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses
(H.P. 208) (L.D. 275)
(C. "A" H-97)

An Act To Facilitate the Recycling of Discarded Mattresses
(S.P. 115) (L.D. 349)
(C. "A" S-58)

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)

An Act Regarding the Chain of Custody in Crematories

(S.P. 223) (L.D. 661)

(C. "A" S-60)

An Act To Provide a Sales Tax Exemption for Baling Twine

(H.P. 725) (L.D. 1023)

An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs

(S.P. 347) (L.D. 1045)

(C. "A" S-59)

An Act To Align State Relocation Assistance with That of the Federal Government

(H.P. 915) (L.D. 1318)

(C. "A" H-112)

An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers

(S.P. 473) (L.D. 1386)

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.

An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families

(H.P. 572) (L.D. 792)

(C. "A" H-58)

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

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

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

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

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

ROLL CALL NO. 105

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Espling, Foley, Gerrish, Gillway, Ginzler, Grignon, Hanley, Harvell, Hawke, Head, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Prescott, Reed, Sampson, Sanderson, Simmons, Sirocki, Skolfield, Stetkis, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Brooks, Dillingham, Farrin, Fredette, Herrick, Hilliard.

Yes, 93; No, 50; Absent, 6; Excused, 2.

93 having voted in the affirmative and 50 voted in the negative, with 6 being absent and 2 excused, and accordingly the Bill was **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 11, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Matthew Harrison, of Eastport

(HLS 228)

TABLED - April 11, 2017 (Till Later Today) by Representative TUELL of East Machias.

PENDING - **PASSAGE**.

Representative TUELL of East Machias moved that this Expression of Legislative Sentiment and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative TUELL: Yes, off the record, this is simply, there was a typographical error on the sentiment and we're having a new one reissued. Thank you.

The SPEAKER: The Chair would inform the Representative that that remark is not off the record, technically. But we will proceed.

Subsequently, this Expression of Legislative Sentiment and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (S-33)** - Minority (5) **Ought Not to Pass** - Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors" (EMERGENCY)

(S.P. 278) (L.D. 832)

- 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-33)**.

TABLED - April 27, 2017 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative GATTINE: Madam Speaker, Women and Men of the House, I rise in support of the pending motion. There aren't a lot of things that I can stand before you and say with confidence that we all agree on. But one thing I think we do all agree on is that we need to do a better job helping older Mainers live out their dream of remaining independent for as

long as possible in the communities where they lived their whole lives. And in the final days of the first session of the 127th Legislature, we took strong and decisive action to help Maine seniors. By a very large majority, we passed legislation approving a \$15 million bond to support affordable senior housing. The funds from these bonds would be administered by the Maine State Housing Authority, and are required to be used to build new senior housing across the state and to carry out vital repairs to existing homes to allow seniors to safely age in their communities. The legislation we passed was not vetoed and became law, and as required, final ratification of the bonds was sent to the voters for approval. Madam Speaker, I'm happy to say that when the voters went to the polls they overwhelmingly agreed with us. When voters went to the polls in November of 2015, nearly 70 percent voted in support of the bond. And the support was statewide, with strong majorities in each county across the State of Maine. So, as I stand here today, Madam Speaker, almost two years after we passed the legislation, I can tell you with confidence that I know that we made the right decision and the voters made the right decision. Maine desperately needs the senior housing that these voter-approved bonds will create. Maine is the oldest state in the nation. You've probably heard that before more times than you'd like. And we have a huge shortage of affordable senior housing. Approximately 9,000 senior households currently pay more than they can afford for housing, and a survey by the Maine Real Estate Managers Association found nearly 10,000 senior households are on waiting lists for an affordable apartment. So, I'm proud of what we did in 2015, and in an overwhelmingly bipartisan way. We made the right decision to help our seniors and the voters agreed with us overwhelmingly. So, why are we here today? We're here because a year and a half has gone by since the voters approved the bonds and they still have not been issued. Seniors are still waiting for the bonds to be issued and thus, are still waiting for the help they desperately need. Even though 70 percent of Maine voters approved these bonds, the Chief Executive has said, very clearly, that he has no intention of allowing the state to issue them during his term. So, it's clear to me that unless we act, seniors will continue to be deprived of the housing support they need and the desire of Maine people, as expressed by the overwhelming support that these bonds received at the ballot box, will be ignored. The bill before you, LD 823, simply allows the senior affordable housing bond to move forward. This bill is tailored very narrowly to apply only to the senior housing bond and not to any other general obligation bonds. Madam Speaker, our seniors are waiting for the help this bond will provide, they need our help, they deserve our help, they are relying on us to help them, let's not make them wait any longer, 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 Norway, Representative Winsor.

Representative **WINSOR**: Thank you, Madam Speaker. Men and Women of the House, I don't argue with my colleague from Westbrook about all of the facts that he's laid out before us. I do, however, disagree with him about the Chief Executive's role in this matter. There are four reasons why we should not support the current motion. Number one, the voters approved a bill that included language that specifically

authorized the state "under the direction of the Governor to issue bonds." This is the usual and customary way of doing it. The voters only authorized the state to borrow money and, in fact, this authorization is good for five years and with the additional approval of the Legislature, an additional five years. Maine has always required the Chief Executive's approval to issue a bond, once authorized by the voters. In fact, we generally only go to the bond bank one time a year and that's the normal way it's done. It is the Chief Executive's job to ensure, to make sure, that the administration of government is prudent and within the limits authorized. This bill wrongly interferes with the Chief Executive's powers and the separation of powers between the Legislature and the Executive. This was not as contemplated by our framers. Our framers issued specific roles for each of the parties involved. And for those reasons, Men and Women of the House, I urge you to reject the Majority Report so that we may approve the Minority Report. I thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Biddeford, Representative Grohman.

Representative **GROHMAN**: Thank you, Madam Speaker, Women and Men of the House. Thanks for the opportunity to talk about this. This is kind of a signature issue for me. Look, in every corner of the state, we need senior housing. It's estimated we have about 9,000-units shortage and we're looking at a 15,000-units shortage by 2022. That's a lot of construction work and it's a lot of need. I think the voters of Maine understood that. The voters in Biddeford also said yes to this bond. There's actually a plan to build 72 affordable senior housing units on the Pepperell Mill Campus as it would be a place for our grandmas and grandpas to live, they are the pillars of our community and we want to keep them local. I think what happens when there isn't local affordable senior housing is seniors find it where it is and it's often in other parts of the state or other parts of the country. And I'm proud of the team that put the Biddeford project together. It's the second-highest-rated project that the Maine State Housing Authority has seen. MSHA is meeting today as it happens. The project is ready with all the necessary approvals. The contractors are ready to rock-n-roll. The obstacle remaining is the release of this bond funding, and this is by far the only project like this around the state, by far, it's not the only one like this, I don't want you to think it's a Biddeford-only issue. There are many that are like this. I'd also point out that seniors who live in older inefficient homes are often kind of stuck in this situation with high energy bills and nowhere they can walk to shop, as this new type of housing really can help. So, with the greatest respect, I would urge us to take this action. I think it's time for us to move on this and it is not precedent-setting, I would point out. With the Lands for Maine's Future bonds we took a very similar action. Essentially, the exact same action. So many of us reached out directly to the Executive and ultimately, we were successful. I think this is every bit as important. I ask you to join in again and voice your desire to see investment in affordable senior housing. Thank you.

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

Representative **ESPLING**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I have to disagree just a little bit with my colleague from across the aisle. I do believe that changing this process now within this piece of legislation does set a bad precedent into the future. I believe it does hamper the discretion, not only of our current Chief Executive but those Chief Executives into the future where this type of maneuver can be done on future issues down the line. So, I

understand the merits of the bond itself. I just disagree with the process for by which this bill lays out in hampering discretion of the Executive Branch. I hope that you will vote with me against this motion. Thank you.

The **SPEAKER**: There are four people in the queue currently. The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. Men and Women of the House, in the Health and Human Services Committee we often hear that we do not have the workforce for direct care workers to travel up every driveway to help seniors in their homes. People age out of their homes and need safe appropriate housing in their communities and they need it now. They need it now. So, please vote to release the bonds. I will vote to support this motion.

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

Representative **SIROCKI**: Thank you, Madam Chair, Men and Women of the House. I, too, agree with my colleagues, the good Representative from New Gloucester and Representative from Norway, and would like to just remind everyone here that former Governor Baldacci had weighed in on this issue, on a similar bill earlier last year, and said that he would hate to see the Chief Executive's power eroded. It is not wise to eliminate the bonding authority of the Executive Branch. The final decision to sell bonds is the constitutional responsibility and fiduciary duty of the sitting Chief Executive, not the Treasurer, and Maine's Chief Executive and the experienced economists of the Executive Branch should be involved with the timing and issuance of bonds. The current bonding process satisfies the requirements of the Maine Constitution, the IRS and the bond market, which helps keep our rates low and protects the taxpayers. And some concerns that were expressed to us in the Committee process, was that the passage of this bill would be contrary to Section 14 in Article IX of the Maine Constitution which sets a time limit for issuance of ratified bond authorizations. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I think throughout this year it's become obvious that in so many cases when it comes to ballot questions or bonds, the devil is in the details and I just wanted to remind people, from all the way back when this was voted in, the actual language of the bill in Section I Authorization of Bonds: "The Treasurer of the State is authorized under the direction of the Governor to issue bonds in the name and on behalf of the State." I think we probably ought to follow those guidelines that the voters voted on. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. I'm going to rise in support of the motion before us. And I realize there is compelling reason not to but I also believe there's a compelling reason to do so. I come from an area in this state where we have a lot of seniors. One of the oldest counties in the state and I know every county says that, so, but I know down in Washington County, we are really one of the oldest areas in the state and to drive that point home I, over this past winter, I got a contact from a friend who had another friend who was a senior who does not have indoor plumbing. And yes, there are people in this state who do not have indoor plumbing. And because they don't have indoor plumbing, they couldn't get LIHEAP funding. And I just use that as a point to

illustrate how much of a need there is for senior housing, particularly in our rural areas, which is what this bond package did. I'll confess in the interest of full disclosure, I wasn't initially on board with it but a former member of this body and the other body worked long and hard to put in provisions that would look after rural areas in smaller counties of under 100,000 people. And when they did that I came on board with it. I know there were some others that came on board with it. We made the choice to pass it. We made the choice to put it out to the voters. Other folks had a choice to weigh in at that point in time. It could have been vetoed at that time and honestly, it could have happened and I feel that we're at a point now where we need to act. Whether this makes you feel all warm and fuzzy, no it doesn't, I'll be honest, it doesn't make me feel warm and fuzzy but, we are at a point where things need to move. Things just need to move. So, thank you, Madam Speaker, I will definitely be supporting the motion that's before us today.

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

Representative **SEAVEY**: Thank you, Madam Speaker, Men and Women of the House. This is an important bond issue and our seniors do need housing and I have much support in my district for the bond issue and Biddeford has been mentioned, and in Kennebunk. And, I do wish the Chief Executive would release the bonds. However, I do think it is very, very important that you take a look at the constitutional aspects of circumventing the role of government, between the branches of government. I think it leads us down a slippery slope and I will be opposing the motion.

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. 106

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

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harvell, Hawke, Head, 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, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Bickford, Brooks, Dillingham, Fredette, Herrick, Hilliard, Wood.

Yes, 85; No, 57; Absent, 7; Excused, 2.

85 having voted in the affirmative and 57 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-33)** 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**.

Representative GATTINE of Westbrook **PRESENTED House Amendment "A" (H-186)**, which was **READ** by the Clerk and **ADOPTED**.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-33)** and **House Amendment "A" (H-186)** in **NON-CONCURRENCE** and sent for concurrence. **ORDERED SENT FORTHWITH**.

SENATE PAPERS

Bill "An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp" (EMERGENCY)

(S.P. 567) (L.D. 1611)

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.

Bill "An Act To Remove the Reporting Requirement of the Office of Victim Services"

(S.P. 564) (L.D. 1606)

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

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

Bill "An Act To Protect Privacy of Online Customer Personal Information"

(S.P. 566) (L.D. 1610)

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

The Bill was **REFERRED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**, and sent for concurrence.

Bill "An Act To Increase Consumer Prescription Drug Protections"

(S.P. 563) (L.D. 1605)

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

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

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

Bill "An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers"

(S.P. 565) (L.D. 1609)

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

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

REPORTS OF COMMITTEE Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act Regarding the Commercial Forestry Excise Tax"

(H.P. 385) (L.D. 541)

Signed:
Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
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-171)** on same Bill.

Signed:
Senator:

CHENETTE of York

Representatives:

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

READ.

On motion of Representative HERBIG of Belfast, the Bill and all accompanying papers were **COMMITTED** to the Committee on **TAXATION** and sent for concurrence.

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

On motion of Representative LAWRENCE of South Berwick, the House adjourned at 1:06 p.m., until 10:00 a.m., Wednesday, May 17, 2017, in honor and lasting tribute to Susan Rebecca Howard Curra, of Knox; Robert M. Pirsig, of South Berwick; and William J. Hagerty, of Fairfield.