

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

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ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
51st Legislative Day
Thursday, June 8, 2017

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

Prayer by Honorable Betty A. Austin, Skowhegan.
National Anthem by Nor'easters Barbershop Chorus, Bath.
Pledge of Allegiance.
The Journal of yesterday was read and approved.

SENATE PAPERS

Bill "An Act To Establish the Manufacturing Jobs Energy Program"

(S.P. 586) (L.D. 1632)

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

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

Non-Concurrent Matter

Bill "An Act To Provide Stability and Continuity in the Department of Education"

(S.P. 120) (L.D. 379)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170)** in the House on June 6, 2017.

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

Speaker GIDEON of Freeport moved that the House **ADHERE**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADHERE**.

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

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

ROLL CALL NO. 270

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

NAY - Austin S, Bickford, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Herrick, Hilliard,

Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Perkins, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Black, Frey, Gattine, Hamann, Hanley, Johansen, Marean, Pierce J, Sylvester, Ward.

Yes, 77; No, 63; Absent, 10; Excused, 1.

77 having voted in the affirmative and 63 voted in the negative, with 10 being absent and 1 excused, and accordingly the House voted to **ADHERE**.

Non-Concurrent Matter

Bill "An Act To Provide Maine Landlords Advance Notice of Water Disconnection Postings"

(H.P. 1038) (L.D. 1514)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in the House on May 30, 2017.

Came from the Senate with the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-273)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Prevent Tax Haven Abuse"

(H.P. 564) (L.D. 784)

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-169)** in the House on May 31, 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 Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol"

(H.P. 781) (L.D. 1107)

Majority (8) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266)** in the House on May 31, 2017.

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

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend Education Statutes"

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

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** in the House on June 6, 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 **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 486)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

June 2, 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 832, "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."

What LD 832 proposes is not simply to force the Executive to issue a handful of currently authorized, but unissued bonds. Rather, this bill is a complete overhaul of Maine's entire bonding process that would apply to "all general obligations bonds," both past and future. This is a major departure from our current bonding process that must be carefully considered. When the Legislature wishes to borrow through a general obligation bond, the Maine State Constitution proscribes how this must be done: voters must be asked via a state-wide ballot if they would authorize the proposed borrowing. This is a process that must be followed scrupulously. Furthermore, federal tax law is overlaid on this entire process so these bonds may be properly registered by the Internal Revenue Service in order to enjoy tax-exempt status. In addition to these legal considerations, there are the practical considerations of the market-those entities that actually purchase the state's bonds.

Any departure from our current bonding process creates market uncertainties. Those who purchase our state's debt will have their own financial questions regarding the soundness of this new process. Market uncertainties only mean one thing: financial risk. That risk will be cured by increasing the cost of borrowing for the people of Maine.

Currently, the state does not issue bonds until the funds are needed. There are a host of reasons why that is the case, included among them are the Internal Revenue Service's arbitrage requirements. This bill, however, simply says that the Governor shall authorize the issuance of bonds. There is no consideration given to timing other than the very limited, enumerated exceptions set forth in this bill. Arbitrage requirements, however, do not appear in this list.

More concerning, however, are the constitutional infirmities this bill suffers. The first constitutional issue is the discreet problem caused by the retroactive application of this bill. LD 832 seeks

to eliminate the Executive's discretion, completely altering the process of issuing bonds. What supporters of this bill fail to recognize is that currently authorized bonds themselves set forth the Executive's role in the issuance of those same bonds, a role that has received the approval of the voters. This bill seeks to alter that role retroactively via a simple legislative enactment--one that cannot withstand constitutional scrutiny.

It is a long-held principle that bonds cannot be amended without sending the amendment itself out to the voters. Simply put, already authorized bonds were approved by the voters and contain a process for issuance of those bonds that includes the Executive's exercise of discretion. That issuance process cannot be amended by a simple legislative enactment. The only way to alter a bond that has received the approval of the voters is to send the amendment itself to the voters. This bill does not do that and cannot amend already authorized bonds retroactively.

Most concerning, constitutionally, is this bill's impermissible exercise of Executive power by the Legislature. Under this proposal, the Executive would be stripped of all discretion related to the issuance of these bonds and, rather, the Governor would be commanded to issue bonds by the Legislature through the use of the word "shall." Five enumerated exceptions follow this blanket command, with the Treasurer, an agent of the Legislature, determining if three of these exceptions apply. The two other exceptions would be fact-specific occurrences outside of the discretion of the Executive. This legislative enactment, however, would be an impermissible exercise of the executive power by the Legislature by commandeering the Executive and ordering the Governor to act without discretion.

Those buying our debt expect the full faith and credit of state to stand behind these general obligation bonds, and only the Executive stands in a position to speak for the entire state-not a bicameral body comprised of 186 separate members. The Governor occupies a full-time position with constant access to information and the ability to execute on a decision, unlike Maine's part-time Legislature that is adjourned for months at a time. The Executive is the only logical place where the authority to issue bonds should reside.

This bill, however, would substitute the Legislature exercising the Executive's discretion by dictating how and when the decision to issue bonds must take place. The doctrine of separation of powers, however, specifies that one branch of government cannot exercise the authority of another branch.

Clearly, this bill does not withstand constitutional scrutiny and cannot succeed in stripping the Executive of this authority. However, if allowed to go into law, this bill will certainly succeed in creating legal and market uncertainty for past and future bonds. This is nothing more than an unconstitutional power grab by one branch of government to use as a political bludgeon against another branch. Questions of separation of powers between branches of government can only be finally determined by our state's highest court. Until that determination, all general obligation bonds would proceed under a legal cloud.

For these reasons, I return LD 832 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 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

(S.P. 278) (L.D. 832)
(C. "A" S-33; H. "A" H-186)

In Senate, June 7, 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: Re: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

26 voted in favor and 9 against, and 26 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

The Following Communication: (H.C. 219)

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

June 7, 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:"

Energy, Utilities and Technology
L.D. 1342 An Act Regarding Grid-scale Wind Energy Development

Health and Human Services
L.D. 567 An Act To Ensure Timely Expenditure of Federal Funds in the Department of Health and Human Services

Taxation
L.D. 1618 An Act To Support Maine's Working Families through Universal Child Care

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (H.C. 222)

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
6 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0006**

June 2, 2017

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333
Honorable Amy F. Volk, Senate Chair

Honorable Ryan M. Fecteau, House Chair
Committee on Labor, Commerce, Research and Economic Development

Honorable David C. Woodsome, Senate Chair
Honorable Seth A. Berry, House Chair
Committee on Energy, Utilities and Technology
100 State House Station

Augusta, Maine 04333

Re: 2017 Attorney General Report to the Legislature Under the Petroleum Market Share Act

Dear President Thibodeau, Speaker Gideon, Senators Volk and Woodsome, and Representatives Fecteau and Berry:

I am pleased to make this report in accordance with the Petroleum Market Share Act (P.M.S.A.), 10 M.R.S. §1677. The P.M.S.A. requires the Attorney General to make a report to the Legislature describing the concentration of retail outlets in the State, including a recommendation as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets.

Enclosed is a report describing concentration of retail outlets in the State. The report, which is based on data collected from wholesalers of both motor fuel oil and home heating oil, includes maps depicting relative concentration in designated markets throughout the State. This report is also available on the Attorney General's website at: <http://www.maine.gov/ag/docs/PMSA%20Report%202015-2016.pdf>.

Since no refiners of petroleum products operate retail outlets in this State, we recommend no legislation to limit or curtail such operations.

I appreciate this opportunity to provide this information and hope it is useful.

Sincerely,
S/JANET T. MILLS
ATTORNEY GENERAL

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Allow Municipalities To Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School" (EMERGENCY)

(H.P. 1129) (L.D. 1636)

Sponsored by Representative BERRY of Bowdoinham. Cosponsored by Representatives: HANLEY of Pittston, HARRINGTON of Sanford, PIERCE of Dresden, Senators: CUSHING of Penobscot, VITELLI of Sagadahoc.

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

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

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

Sent for concurrence.

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

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass** on Bill "An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor"

(S.P. 559) (L.D. 1585)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
LONGSTAFF of Waterville
MAREAN of Hollis
TALBOT ROSS of Portland

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

Signed:

Representatives:

HERRICK of Paris
NADEAU of Winslow
RECKITT of South Portland

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

READ.

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

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-155)** on Bill "An Act To Restore Public Health Nursing Services" (EMERGENCY)

(S.P. 362) (L.D. 1108)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
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:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

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-155)**.

READ.

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

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Ladies and the Gentlemen of the House, Madam Speaker, this is a bill that frames what public health nursing services do in Maine and staffs it based on that framework. To be up front, the fiscal note is \$800,000, which is a savings for the State of Maine in terms of what it can do and the amount of money it would cost if we do not have a public health infrastructure that works for our state. During the public hearing, we gave more than a month for the Maine CDC leadership before we had a work session after the bill was presented. We gave them more than a month for the Maine CDC leadership and public health nurses' voices to sit around a table. Conversations ensued, but there was not enough movement together to negate the need for this bill in the face of a poorly functioning public health nurses' system, so I wanted to give you a little history. When the H1N1 influenza virus swept across the U.S. in 2009, it landed in Maine and infected thousands, causing outbreaks at 40 summer camps and 200 schools, and put residents' lives at risk. Because of the preparedness, skills, and hard work of our public health nurses, we were the only state in the country that did not have a death among our school-age population. Maine's public health nurses helped set up 238 clinics, safely and effectively managed large amounts of vaccines, vaccinated thousands of citizens, and educated others about how to get this work done quickly and effectively. In 2009, there were 59 public health nurses protecting the health of Maine people, trained and ready to respond to emergencies like the H1N1 outbreak, treating and tracking infectious diseases like tuberculosis, and making home visits to help care for at-risk newborn babies and fragile, isolated elderly in rural areas. Maine's public health nurses service earned accreditation to the highest national standards a year later in 2010, and again in 2012. These men and women were playing a crucial role in safeguarding and improving the lives and health of Maine people. But today there are only about 20 public health nurses in the field. The best information we have from staff in the AFA office is that 23 public health nurses' positions were actually filled in January of 2017. CDC has allowed positions to go unfilled for years and has refused to hire public health nurses as Department of Health and Human Services attempts to transfer home health assessment visits to non-medically trained staff or contractors. Public health specialists spoke out about this problem when they testified at the hearing, saying that Maine is severely unprepared for the next flu or other infectious disease outbreak. We all know how many drug-affected babies were

born in our state last year. We also know that Maine's infant mortality rate has risen, especially in our poorest counties. With such a depleted public health nursing service, what we don't know is how many of these infants were seen after discharge from the hospital. In fact, there has been such reduction in public health nursing services that in some rural hospitals they have stopped referring. Pediatricians and maternal health/child health nurses tell us the best method of preventing a baby's readmission to the hospital during opiate withdrawal is frequent checkups at home by a public health nurse. One physician testified that one week in the neonatal intensive care unit costs about \$28,000. It's time to restore Maine's public health nursing services. Yes, doing that will require investment of state funds, but disease prevention and keeping vulnerable residents, children and adults, out of hospitals and other health care facilities saves money. At the hearing on April 13th, more than 50 people, many of whom were doctors and nurses with broad experience in public health, testified in support of LD 1108. I will end with brief quotes from two of these statements. The Chief of Population Health at Central Maine Healthcare: "At a time when the state is struggling with an opioid epidemic impacting newborns, it seems extraordinarily ill-timed to dismantle the single best tool we have to safeguard at-risk children. Similarly, it is foolhardy to leave the citizens of our state in the same state of unreadiness that led to such tragic loss of life one hundred years ago during the influenza epidemic of 1918. Our citizens expect more from modern government and deserve more." A quote from a family medicine practitioner, an M.D., from Eastern Maine Medical Center: "What we are seeing each day is alarming. Maine's system of care for our most vulnerable babies used to be a model in the country. However, after years of successful intervention as a community team, with markedly decreased fetal neonatal deaths, Maine's statistics are revealing that while other states continue to improve prenatal and infant death rates, Maine's babies are now dying at an increased rate. If we really care about having healthy babies who turn into healthy adults, we need the whole contingent of public health nurses to remain a strong, proactive safety net for families at risk as well as rebuilding the decimated more traditional public health duties and infrastructure." Ladies and Gentlemen of the House, Madam Speaker, I strongly urge you to vote with the Majority Ought to Pass Report. Thank you.

Representative HERBIG of Belfast **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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I'd like to correct one piece of information the good Representative from York shared with you. When she stated that the CDC has refused to hire nurses at this time into the public nursing program; that's not true. The Department is in the process of hiring, they have been in the process of hiring, but it's very difficult to actually find somebody at this point. But they are working hard to fill the positions that they do want to fill. I have in my hand here the testimony from Dr. Chris Pezzullo. He's a state health officer for the Maine CDC, for the Maine Center for Disease Control and Prevention, and also the MaineCare Medical Director for the Department of Health and Human Services. And I would like to read you his testimony that he gave us in

the public hearing, because it outlines exactly what the Department is doing to bring our public health nursing program up to speed and actually up to what we need at this current time. "The vision for the public health nursing, in May of 2015, the department shared news of a restructuring of public health nursing that included a broader view of public health, engaging the entire community in the health of infants and families. This vision includes using public health nurses where a licensed nurse is the appropriate resource, as well as broadening the vision to include a network of other nonlicensed supports, such as Maine Families home visiting and local community resources. This vision is in keeping with the current state of health care today. Since 1920, when the Division of Public Health Nursing and Child Hygiene was created in State Government, health care has evolved to the team-based care of today. Changes in how health care is delivered, including rural health centers and FQHCs, telemedicine, and population-based health promotion services make the 1920 model obsolete. The changing health care landscape demands that the public health nursing program adapt, prioritize, and collaborate to ensure that resources are focused on the most pressing public health needs in Maine. We have been working to do that. One example is our work with substance-exposed infants. Public health nursing receives referrals from the Office of Child and Family Services and visits new mothers in the home environment both before and after birth. Public health nurses provide supportive services to families who may be impacted by the medical consequences of infant exposure to substances, and work with Office of Child and Family Services on plans of safe care for substance-exposed infants. Public health nurses work collectively with Maine Families home visitors to provide a wide array of in-home support services to at-risk families with children, not only to those with substance-exposed infants. The collaboration between the Office of Child and Family Services and Maine CDC now includes a maternal/child health network, ensuring Maine families have the right supports at the right time. Office of Child and Family Services, public health nursing, and home visiting staff have all been trained in bridging, a specific curriculum related to substance-exposed infants and their families. This collaborative approach is in keeping with current models of practice." Dr. Pezzullo writes, "If we were to staff the program at the level stated in this bill, we would be moving backwards. The use of community resources and nonlicensed providers in addition to licensed providers represents current trends in health care, and offers a much more supportive patient experience of care. Recent improvements to public health nursing: Currently they are working diligently establishing the proper ratio of public health nurses to clients. In the past," - and here's where it's very important - "in the past, caseloads were not kept current, affecting the reliability of the number of patients who were active. Since December of 2016, caseloads have been examined, and those patients who were inactive have been discharged. In the last two months, they have nearly doubled the average weekly number of visits statewide within the existing workforce. Prior to this, what they found upon examining the public health nursing program, that they were receiving a 15-hour a week productivity rate for a full-time equivalent employee -- 15 hours a week. With the changes that they've made, they are able to increase that productivity rate with the public nurses that we've had, increasing the effectiveness of the program. In real numbers, we've gone from a tally of less than 100 visits every week in February to 181 visits in the third week of March. A year ago, in May 2016, the statewide visit average was 1.6 patients per nurse per day.

By March of this year they have boosted the average daily visits to 2.6, and the target is to meet the national standard of 3-5 visits per day, which can be achieved by holding themselves accountable to the public for the work. Above all, they will utilize real data to determine what we actually need for our workforce, and how it can best be established -- how they can best establish a private network with the capacity to serve all Maine people. Staffing is evaluated on an ongoing basis in order to meet and safely deliver care to the people of Maine. When it is identified that an area requires additional nurses, steps are going to be taken to hire the additional nurses needed. In regards to current staffing, we have vacancies that we are actively filling at this time in Lewiston, Portland, and Bangor, as well as two new management team members." This is how the CDC has changed the structure and is evolving our public nurse program. They are partnering with community members to make sure that those who need a nurse will have a nurse; those who can use other community supports will have those supports in place. It's a more efficient manner of running the public health nurse program as well as providing better outcomes for folks, because they're covering a broader range. As to pandemic and the H1N1 virus, what I find interesting is, with a more efficient system -- well, not what I find interesting but what we should find interesting is, with a more efficient system, a more efficient network, you will get a more efficient delivery of care. The public health nurses themselves were not the only ones who were setting up the clinics. It's the charge of the CDC and the public health nursing program to make sure that these resources are in place to be able to answer any kind of pandemic this state may possibly have, and when you are working more efficiently, and you have a plan, and you have a proper stage set for what your emergency plan is, you can accomplish that with less people. So I urge you to vote no on the pending motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you. Madam Speaker, Representatives of the House, I rise in support of the Ought to Pass as Amended. Public health nurses is not just about making visits to infants. It's about being a part of the community planning. They know their community. They have been instrumental in some of the boards that I have been on in doing planning for public health. They do more than just visit, and I would like to actually just quote from a testimony from Sue Mackey Andrews, who actually is in the field of early childhood health and education, is a member of the District Health Coordinating Council, and also representing her local collaborative, Helping Hands and Heart, which is a 20-year organization that has worked to promote health and well-being in their community. She states, "When I moved to Maine in 1979, I had the privilege of working with five public health nurses in Piscataquis County and portions of Somerset and Penobscot Counties. PHNs not only work with our team to support expectant and new families as well as families with young children with disabilities and developmental delays, they were also active in community efforts to improve the health of the public. They brought public health to the community level, helping us to integrate these components into our local efforts. They also served not only individuals with chronic health conditions, but they visited with our frail elderly, who are often isolated and limited in their ability to travel. PHNs serve as their link to primary care, perform medication checks, safety checks, and when possible, arrange home health aides." To further quote, "One of the programs brought in is CradleME

system," and she comments that, "the CradleME system hasn't worked in the Piscataquis region and shouldn't be implemented statewide. We lack the capacity to serve the families given the CDC's unwillingness to fill currently vacant public health nursing positions. As of last year, the other programs serving families in the home visiting, Maine Families, and Early Head Start were serving about 35% of the eligible population. Early Head Start was never included in the CradleME initiative, although they should have been. They, too, serve the prenatal population and can serve children, especially those living in low-income homes, up to the age of five, with different home center-based supports depending upon family needs. Early Head Start is also an evidence-based model with a much higher dose of service for child development and family support. Building a local health system doesn't happen by taking away public health supports and thinking that somehow the gap will be filled. It needs to be a conscious, planned, full process supported by resources sufficient to support and respond to the dynamic, different, and changing needs of communities. Having PHNs on the ground doing both direct service and systems integration, is essential, and will continue to be essential due to the ebb and flow of local resources, program eligibilities, and changing demographics." They are on the ground, they know the community, and they pull the resources available together, and they are essential. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Dr. L. D. Bristol, Maine's Commissioner of Health, 99 years ago, requested nurses for influenza work in Portland. The public health service was unable to provide those nurses. It was suggested that they go to the Red Cross for help. Maine lacked a strong public health system back then, but the influenza epidemic went on. It hit in the last week of September, and by October 21st, 53 people had died in Bangor, and there were 1,000 cases. This is when Maine's population was just half of what it is today. The Board of Health ordered that the theaters, moving picture houses, dance halls, schools be closed, and the ban was to include churches and club meetings. Abbott Graves, a famous painter from Kennebec, dedicated the Kennebecport Library in memory of his son, who had survived World War I only to come home and die in the flu epidemic. Captain William Lawry, who happens to be a Maine State -- he was 36 years old and he was the Secretary of the Maine Senate, he visited Fort Devens, which was sort of the mecca of ground zero, I guess I'd call it, and came home and died immediately upon his return. Fort Devens was losing a hundred people a day. During this influenza epidemic in the United States, the U.S. Department of Health and Human Services estimates -- well, actually, they documented 600,000 deaths in the United States, with estimates to go up to 2 million. Worldwide, researchers in the 1920s pin the amount at 21.5 million, but estimates have gone far higher than that. I guess I just bring this up because the threat of epidemic/pandemic is real, and although our medicine has improved greatly, I mean, that influenza epidemic killed more people in one year than the Black Death did in an entire century. It killed more people in 24 weeks than 24 years of the AIDS epidemic. These kinds of things are real and have great consequences, and it is the responsibility of this body to look after the public health of our people. LD 1108 is about education, it's about action, it's about community health data collection and planning. It's about small schools that can't afford their own school nurses.

It's about at-risk kids getting vision screening and hearing screening and access to vaccinations or immunization. Who knows how many lives might have been saved had we had a proper public health system a century ago; and while we're waiting for the next great public health threat, let's properly staff what has been called the single greatest vehicle to safeguard Maine's at-risk children. Public health is this body's responsibility. I ask that you support LD 1108. Thank you, Madam Speaker.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I'd first like to say that characterizing the current gap of a shortfall of public health nurses as unwillingness to fill positions is a serious allegation. Rick Erb, a lobbyist familiar to many of us, specializes in long-term care field. He told me not long ago that the State of Maine right now, in his field, could hire 300 nurses today. This suggests to me that we have a supply problem and a demographic problem, and this bill is not the answer. On the American Association of Colleges of Nursing, they lay out very clearly the current and projected shortage indicators, the demographic issues, the issues facing us, and I would suggest that we look to encourage more people to get into the field of nursing and increase our supply. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise in support of the pending amendment -- amended motion. For the last couple of years, I and some other members of this body have been alarmed at what we were hearing from nurses in the field about the decimation of our public health nursing program. Many of us sought through every avenue we could, to get information about the Department's plans for this program. We knew that it was severely understaffed. We heard various excuses. I must say that the good Representative from Chelsea today informed me more about the Department's intentions than I have heard in the last two years. If the Department is going to change the way it fundamentally delivers one of the bedrock pieces of our public health system, it should do so in a transparent and productive way. Heretofore, that has not been the case. If we are going to change the way we deliver this important service, it should be involving stakeholders, it should be in a transparent manner, it should involve policymakers here at the legislative level. That has not been the case. The bill before you is a bill of desperation, in order to help people who are vulnerable and need these services, and the people who have dedicated their lives to serving them, who are now stretched so thin that they are concerned, in some cases, about upholding their own licenses to practice medicine. They have reached out to us and told us the truth about what is going on in this Department. Last session, the members of the Appropriations Committee, who were concerned about this issue, held a public meeting, invited everyone who was interested to attend, because we could not get information from the Department. Among the people who testified was Dr. Lani Graham, a physician, who is a member of the Public Health Committee of the Maine Medical Association and for years was Maine's Chief Health Officer. The things she said about what she was observing, and other doctors were observing, alarmed us, and I cannot say that strongly enough. This problem has continued. The information has not come forward. Dr. Graham spoke at the public hearing on this bill, and I want to end my remarks with her quote. She said, "As you know, we

are now in the middle of a terrible opiate epidemic and find ourselves with a rising infant mortality rate, which is already higher than the national rate. You may hear about other exciting options for cobbling together a different kind of model to address the functions of public health nursing. Such experimentation," she said, "can be a great idea when the standard indices used to measure health are good to excellent, and there has been a full assessment of the planned process, which is transparent and involves all stakeholders. Experimentation is one way that new things are learned. But," she says, "when things are not going well, it is much better to depend on the best lessons of the past. I was always told that when you find yourself in a hole, the first thing to do is stop digging. We are in a hole, and now is not the time to throw away one of the strongest tools of public health, a vital public health nurse workforce." I urge you to vote in favor of this bill. Thank you, ladies and gentlemen.

The **SPEAKER**: The pending question is Acceptance of the Majority Ought to Pass as Amended Report. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I'd like to rise a second time to answer a couple things that I've heard. We heard the good Representative from Calais talk about community planning, and that's exactly what is going on. By engaging in the new model that they have, they are working with a myriad of community supports. One of the things that this state enjoys at this point is the fact that our health system with community services, FQHCs, other different providers in different communities, is actually growing. The health care industry in this state is growing. It's replaced industry in this state. We are a service-oriented state. There are resources available. And again, you heard about the unwillingness to fill positions, which, according to Dr. Pezzullo's testimony, you know now is untrue. There is not an unwillingness to fill positions. That is not fact. They are actively trying to fill positions. And then you heard about on the ground, as you heard, since changing the model. Well, actually, as you heard from Dr. Pezzullo's testimony, again, that the nurses are on the ground and actually have increased the productivity rating by increasing the number of patients per week that they are actually able to visit, and they are achieving for an even higher visitation number. That's all good stuff by the community health nurses, and that's done by taking a comprehensive look at what we were doing before, seeing what wasn't working, seeing what wasn't documented, and making changes. Now, while I realize it's a shame that, you know, someone survived World War I and came home only to die of the flu, I don't think that can be reflective of the health systems that we have in our state today. We have a broad array of health systems that just didn't exist back at that time. And one of the things that I have to answer from the good Representative from Gardiner, you know, while I appreciate her point of view, she talks about the transparency as an issue coming from the Department of Health and Human Services, and having been a member of the Health and Human Services Committee for the last four sessions, I've noticed a pattern. The Department answers questions, they send back their written answers or they are there to testify in front of our committees, both Appropriations and the Health and Human Services, and yet again the questions get asked again; maybe because they didn't receive the answer that they wanted, I'm not quite sure, but there has been a boatload of transparency and documentation provided by the Department on many of the different things that they

were going to do. This has happened on several different occasions, on several different issues. So right now, you know, we heard that the current model from the last testimony was good to excellent, well, good to excellent on the past model that they had before changing it. You know, this is a recent change that's coming up, and meanwhile, the rate of infant death has been increasing, the rate of substance abuse in our state has been increasing out of control, and a lot of that probably doesn't have much to do with what we had for a public health nursing program or the current program; it has more to do with the influx of and the bringing of opioids onto the market, and prescribing practices that were just, quite frankly, out of line, and which we, as a Legislature, passed the bill last year to help bring back in line. So, you know, it's okay to say that we're not being efficient, that they're not having community supports, that there's no transparency, that they refuse to hire, but you just really have to kind of look at the facts and realize that that's just not true. So, thank you very much. I urge you to vote no.

The SPEAKER: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I think the real issue is, when you change something, and people in this body may have worked on change in an organization, I know I have, and being a change agent is very difficult; and when you go to get your MBA in business school, there are courses and books about how to be a good change agent. And chapters one, two, three, four, and five of those books in those courses are, bring in all the stakeholders. Listen to them. In Maine, we have the wisdom of a workforce that has been here for many years, and the failure of the change in what we've been doing with our public health nursing system is not to bring in that wisdom, and I think we need to keep that wisdom here while the change is happening. We heard many times through the testimony that the public health nurses wanted to be part of the change. They bring a lot to that. They completely understand the modern way of working in a medical system, and they want to be part of that change, but there was no access for them, they were left out and were not brought in as stakeholders. We need to have them back. They are important to our state and to the health of our communities. Thank you.

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

ROLL CALL NO. 271

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard,

Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Prescott, Reed, Sampson, Sanderson, Sherman, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Fredette, Frey, Pierce J, Sylvester, Ward.

Yes, 83; No, 62; Absent, 5; Excused, 1.

83 having voted in the affirmative and 62 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-155)** 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-155)** in concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Exempt a Person under 18 Years of Age from the Requirement To Wear a Helmet While on an All-terrain Vehicle in Certain Circumstances"

(S.P. 21) (L.D. 41)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

DUCHESNE of Hudson

HARLOW of Portland

MASON of Lisbon

NADEAU of Winslow

WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-207)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ALLEY of Beals

LYFORD of Eddington

REED of Carmel

STEARNS of Guilford

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-198)** on Bill "An Act To Protect Homeowners from Improper Foreclosure Fees"

(S.P. 350) (L.D. 1047)

Signed:
Senator:
HILL of York

Representatives:
MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:
Senators:
KEIM of Oxford
WHITTEMORE of Somerset

Representatives:
BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

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-198)**.

READ.

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

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in support of this motion and this bill. I just want to provide a little bit of context. Maine and Maine homeowners, like those in every state across this country, were hit very hard by the mortgage and foreclosure crisis, and since that crisis hit, this body and the Judiciary Committee in particular have been -- have seen numerous bills over recent years and over recent sessions to try and address this crisis; and we have worked together in a strong, bipartisan fashion to try and come up with ways to address this crisis. The challenge that we have always had is, how do we help our homeowners who are in need of that assistance without damaging our local banks and credit unions, who are such institutions here in our state? We are very much aware that they do good by the people of Maine, and do right by the people of Maine, because they know Mainers and they are Mainers. Unfortunately, that is not necessarily the case for some large financial institutions from out of state, and so we've tried to figure out how to help our homeowners here in Maine facing challenges from some of those institutions that aren't necessarily trying to do the right thing, without hurting those institutions locally that are. This bill is, in my view, another bill that would do exactly that. In order to foreclose, a financial institution, in order to get into court, needs to claim that they validly hold a mortgage and therefore

are entitled to foreclosure; and some of these financial institutions from out of state have commenced foreclosure actions in our courts, but have ultimately been unable to prove that they are entitled to foreclose on Maine homeowners. There could be any number of reasons for this: maybe they don't have the appropriate paperwork to prove it, prove that they have the mortgage or that they have the right to foreclose, perhaps they didn't have the right lawyer; but for whatever reason, these institutions fail to prove their case and fail to prove that they have a right to foreclose. At that point, under current law, they are able to walk away without paying the attorney's fees of the Maine homeowners, who had to hire a lawyer at great expense to defend against the foreclosure, and who won. And this is not acceptable. They simply claim that current law doesn't apply to them; they don't have to pay the attorney fees. This bill would clarify that and correct that. A financial institution from outside the State of Maine should not be able to come into our state, claim that they hold a mortgage, claim that they are entitled to foreclose, fail to prove any of those things, put our citizens through great expense to defend themselves against losing their home through foreclosure, and then simply be able to walk away without reimbursing Maine citizens and Maine homeowners the great expense that they had to go to to save their home. That is unacceptable, and this bill would fix that, and I just want to reiterate because we feel this strongly, and in a bipartisan fashion, that our local banks and credit unions are good actors, they act in good faith for the people of Maine, but this bill would fix a problem for those from out of state who do not act in good faith and don't do right by the people of Maine, and I urge you to support this bill. Thank you, Madam Speaker.

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. 272

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

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

ABSENT - Fredette, Frey, Pierce J, Sylvester, Ward.

Yes, 88; No, 57; Absent, 5; Excused, 1.

88 having voted in the affirmative and 57 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-198)** 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-198)** in concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-209)** on Bill "An Act To Restore the Tip Credit to Maine's Minimum Wage Law" (S.P. 235) (L.D. 673)

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
VACHON of Scarborough

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

Signed:

Senator:

BELLOWS of Kennebec

Representative:

SYLVESTER 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-209)**.

READ.

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

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-200)** on Bill "An Act To Improve the Enforcement of Maine's Lobster Laws" (S.P. 190) (L.D. 575)

Signed:

Senators:

MAKER of Washington
VITELLI of Sagadahoc

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-201)** on same Bill.

Signed:

Senator:

BRAKEY of Androscoggin

Representative:

SUTTON of Warren

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-200)**.

READ.

Representative KUMIEGA of Deer Isle 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**: The Chair recognizes the Representative from Beals, Representative Alley.

Representative **ALLEY**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I'd like to give you a little information on the LD 575, update. The major purpose of the LD 575 is to create minimum and maximum lobster license suspension length for the most egregious violations in the lobster fishery. None of these violations are things that someone might do accidentally, without knowledge that they are breaking the law. Trap molestation, that's taking someone else's traps and staving them up, cutting the heads out; traps fish with no buoys, no end lines, and no tags. There's a lot of that going on, they call them sunken trawls. Removing eggs from females is another big one. Every time someone takes a female lobster and scrubs the spawns off, they are ruining hundreds of millions of lobsters, is what they're doing, they're destroying the future of the lobster industry. This industry initiated the administrative suspension process for fishing licenses, and it was created six years ago. It was modeled after what was done for fishery license suspensions in other New England states. It is also the way that driver's licenses are suspended for OUI. The administrative suspension process provides due process. When a Marine Patrol officer writes a ticket for the suspending offense, it is reviewed by the sergeant and lieutenant, then by the colonel, who delivers to the commissioner an affidavit under oath that a violation has occurred. If the commissioner determines a suspension is necessary, a letter is sent to the fisherman notifying them of the suspension and the opportunity for a hearing. If they request a hearing, the suspension is stayed pending the outcome of the hearing. The hearings are held in front of the hearing examiner employed by the Secretary of State. That

individual is a neutral third party. They determine based on the evidence presented -- my eyes are getting a little blurry here -- whether a violation has occurred. If a violation has occurred, they uphold the license suspension. The hearings examiner does not always find a violation has occurred. In these cases, there is no suspension. If it is determined that violation has occurred, the individual may request a length of suspension hearing with the commissioner. The lobster fishery industry is now worth \$550 million in landed value. Individuals who cheat by fishing extra traps over the line can make \$10,000 to \$100,000 extra, more than their competitors. If the fishermen who cheat aren't caught and taken off the water, other fishermen will begin to think that these are risks worth taking. The only thing that matters is license suspension, and the length of the suspension must be a significant deterrent. The industry supports lengthy license suspensions and revocations. LD 575, this bill, is supported by both the Maine Lobster Union and the Maine Lobster Association, and I would guess most all of the Republicans and Democrats in this hall today. I thank you for your support, and I support this bill.

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

Representative **TUELL**: Thank you, Madam Speaker. I first want to -- on a side note, I want to commend my friend from Beals for doing what he just did. It was not easy for him to do that, so I appreciate him standing up. Madam Speaker, I rise today in strong support of the pending motion, and I encourage you and every member of this body to support it as well. Lobstering is a way of life Downeast. Many of my friends and neighbors have fished through good times and bad. They are hardworking, forthright people who call a spade a spade, and who rely on this fishery for their livelihoods. Good fishermen like John Drouin and Christian Porter and so many other people that I've come to know through this job and others. So when these lobstermen and their brothers and sisters up and down the coast came to Marine Resources this session to talk about how a few outlaws are stealing other fishermen's traps, burning people's \$350,000 to \$500,000 boats to ashes, scrubbing female lobsters, and fishing gear on the sly, I took what they had to say seriously. I, and my colleagues on Marine Resources, voted this out of committee with a very strong Ought to Pass as Amended Report. Only two members voted against it. We worked the bill tirelessly in a good faith effort to address everyone's concerns, and we gave people inside the industry and out every opportunity to weigh in. The long and short of that is that the Department of Marine Resources has bent over backwards to work with anyone who wants to work on this bill, and I say that as one who has been critical of the administration's relationship with the Legislature, and one who is very dubious of its broad claims of executive oversight. I bring that up because the main argument against this bill is that it gives the Commissioner of Marine Resources too much power to administratively suspend fishing license. That just isn't true, and as my grandfather -- or as my grandmother, who passed away 15 years ago or so, was fond of saying, bull, and cow to go with it. Sorry, but a fisherman from down home told me that in the hall yesterday to be blunt, so I'm being blunt. The excuses, the rationalization, the moral relativity around why we should not hold bad people accountable for some of the most wicked, vile things you can do on the water is just flat-out wrong, and I'm not having any of it. And on top of all of that, it's just not true. The administrative suspension process for fishing licenses was, as the representative mentioned, created in legislation six years ago. It was modeled after what was done for fisheries license

suspensions in other New England states. It is also the way driver's licenses are suspended through OUIs. The process does provide due process, and while Representative Alley has covered most of it, the upshot of it is at the end of it, if you do, indeed, get your license suspended administratively, you can go to court, you got 30 days to do it, you can hire a lawyer and you can fight it out. So, I'll skip over that little bit of my prepared remarks, but Madam Speaker, this bill upholds the rule of law. It has been vetted by both the Attorney General in the administration, it has gone through two committees, both Criminal Justice saw it, as did our committee. It has been worked tirelessly and is supported by Maine fishermen, because some of the things going on out on the water just aren't right, and the God-fearing men and women of coastal Washington County, all up and down the coast, for that matter, were thankfully raised knowing the difference, and are very much in support of this legislation before us today. I don't often quote verses from the Bible out here, but this is a time when the Lord has led me to quote from the prophet Isaiah, chapter 5, verse 20, which reads thus: "Woe unto them that call evil good and good evil, that put darkness for light and light for darkness, that put bitter for sweet and sweet for bitter." With that, I urge you to vote for this bill and support the future of Maine's commercial fishing industry at a time when many of our coastal communities are struggling to survive. Thank you, Madam Speaker.

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

Representative **PARRY**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, for any of the members that have been here multiple terms, you know that I'm a full-time lobsterman, and I haven't been able to talk to the Speaker yet about scheduling these nice days -- we'd like to be off on these days, please, so that I can be out on my boat. I'm in full support of this bill. I believe that maybe some of the penalties don't even go far enough. Anybody that gets caught or loses their license for up to 10 years or permanent suspension, should. These people are cheating every single other person in the industry, and I have full support on this bill. I agree with my good friend from Beals, this is something that the lobstermen that do it right are sick of, the people, the few, that do it wrong, and I would really hope you would all support this. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from South Thomaston, Representative Spear.

Representative **SPEAR**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise -- I, too, rise in support of the pending motion. I live on Spruce Head Island, where there are three very active lobster buying stations, including the Spruce Head Fishermen's Co-op. Nearly every morning I stop at a small coffee shop, a small restaurant coffee shop just off the island, that is frequented by many fishermen who are coming and going from their boats, and although opinions are not on the menu there, I assure you there was no shortage of them, and on LD 575 the opinion I've heard is unanimous, and LD 575 needs to pass.

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

Representative **GUERIN**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **GUERIN**: Thank you. In section 4, line 7, on the vessel monitoring following suspension or revocation, it was my understanding in talking to the commissioner that they would not necessarily know they were being monitored, but

when I read that it looks to me like they would know, so I wondered if someone from the committee could clarify that for me, please.

The **SPEAKER**: The Representative from Glenburn, Representative Guerin, has posed a question through the Chair. Representative Kumiega may answer.

Representative **KUMIEGA**: Thank you, Madam Speaker. Yes, in reference to the question, there are two types of vessel monitoring that the Marine Patrol could use. At times, they use what's called covert electronic surveillance, which is done after obtaining a warrant. They put a GPS unit covertly on a fishing boat to track the movements of that boat, to gather evidence to bring charges. In the section that the good Representative from Glenburn was just referring to, that would be what's called a vessel monitoring system. It would be placed on the boat, with the boat owner's knowledge, after they've been reinstated from a serious suspension, and the idea there would be to prevent them from engaging in illegal contact in the future. Vessel monitoring is actually a very common practice. Most federal fisheries in the United States require boats to have vessel monitoring systems on board. Thank you, Madam Speaker.

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

Representative **TUELL**: Thank you, Madam Speaker. I apologize for rising a second time, but I did want to add to what the Representative in Deer Isle said in answer to the question, and that is simply that if you are administratively suspended, when you do get your license back, this is a term of the agreement. So, it only happens after you go through this process. It doesn't happen before. Thank you, Madam Speaker.

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

Representative **SUTTON**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise in opposition to the pending motion. This bill started as a concept draft with little substance, and it was later combined with another bill, LD 1379. The particulars and specifics of this bill were never vetted at a public hearing on either bill. They did not exist at that point. It was never stated to the public that two strikes and you're out. The Department has testified that this bill is the most important one they have ever presented. It is curious to me that something this important would be left as a draft bill. In fact, there are components in the original bill regarding increased fines and penalties that never appeared in the final version. The public has a right to participate in lawmaking, and they were deprived of that opportunity. Right now, we do have problems on the water, and some see this as the solution. My main objection to this bill is the huge expansion of powers to suspend license through the administrative hearings process that will be given to the Commissioner of Marine Resources. Commissioner Keliher has an excellent reputation and is widely respected by people, including myself. However, he will not always hold that position. The administrative hearings process was introduced in 2011, and the rationale was twofold. One was that all of the other states in New England with fisheries had this process, and Maine wanted to be just like them. The other reason was the Department claimed it was not getting enough convictions and it wanted a different result. Currently, the Department is limited in their length of suspensions not to exceed the number allowed -- the amount allowed by criminal law. The Department has told us repeatedly that juries in courts of law were not giving the convictions they wanted, because juries are unwilling to find

guilt, because they know a person is going to lose their license and thus the ability to provide for themselves and their family. So, to circumvent the law and remedy the situation, they are proposing to expand their powers and impose even longer suspensions. If they can control the law more, they can control the outcome. We have three separate branches of government for a reason. We need neutral, detached, and unbiased people making decisions, not frustrated, vengeance-seeking branches of government. This is America, and a person is innocent until they are proven guilty. The hearings division is a flawed system where the rules of evidence do not apply and hearsay may be used. The Department of Marine Resources is not required to have the Marine Patrol officer accusing you of the crime to be in court, unless the accused happens to be able to afford a lawyer smart enough to subpoena them and force them to attend. In a jury trial, an attorney would be provided if the accused were not able to afford one. This is not the case in the hearings process. Another problem is that the standard for review to appeal an administrative suspension is so insurmountably high that a person must prove that no reasonable set of facts may apply. The party seeking to overturn the agency's decision must prove that no competent evidence supports the agency's decision. Judicial review is limited to determining whether an agency's conclusions are unreasonable, unjust, or unlawful in light of the record. Even having evidence that you are innocent would not be grounds for reversal under this standard. Rarely does an individual ever satisfy this heavy burden. I've heard many defend the administrative process and claim it's just like getting a DUI and the state can take away your license. I beg to differ. Once your lobster license is suspended, your ability to earn a living in most rural areas is gone. Once a driver's license is gone, people are often given a conditional license so they may drive to work and continue to earn a living. In a DUI case, there is generally solid evidence in the form of a blood test or breathalyzer. There is no solid equivalent for most Marine Resources suspensions. The real problem on the water is drugs and greed; plain old-fashioned greed, and a fear that nothing will ever be enough. Just because the courts are not doing a good enough job in the eyes of some, does not mean the Legislature needs to grant such a vast expansion of powers to suspend licenses for up to ten years on a first offense, or even permanently. I originally offered an amendment to this bill and supported it which stipulated a three-year maximum length on the suspensions. I tried very hard to work with the Department on this, I know it's important to them. We were able to make some significant changes to the bill that I am very happy; they finally defined the term, "sunken trawl," and they also eliminated the warrantless searches. However, due to new information on how the hearings process functions and upon further reflection, I do not support this bill in any form. It's not ready for prime time, and I ask that you join me in voting no. Thank you for listening.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay Harbor, Representative Hawke.

Representative **HAWKE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. A lot of what I have written has been stated, and stated well, so I won't repeat in the sake of time, but there's a few things that the good Representative from Warren has made a couple little errors on. This bill is warranted from the -- the industry wants it, and they want it, it's their bill, they're tired of it, they -- they're upholding the law, and when people are making hundreds of thousands of dollars, and for their license to be suspended for one year, it's really worth it, and it could turn good fishermen into

criminals. The elver fisheries, they did it a few years ago, changed the laws similar to these, and they went from 300 convictions to three. So it does work. People do respond to losing their license. If they don't have another source of income, then perhaps they shouldn't be raping the waters. Lobster business, it's the biggest in our state, and the lobstermen have been very good at protecting the resource, and to allow people just to ruin it for greed is wrong, and if we can fix that, let's do it. You know, it's not the Commissioner that's making the rules; it is due process. They do have a whole system. So let's let them do their job, and vote this bill in. Thank you.

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

Representative **SUTTON**: Thank you, Madam Speaker. Men and Women of the House, I just would like to clarify that, if a person goes to a court of law and is found guilty by a jury of his peers, I am perfectly willing to accept heavy penalties that the court decides are appropriate, because it's a neutral, detached party. I simply have a problem with the hearings process making those heavy determinations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Madam Speaker. Men and Women of the House, I just want to address a couple of points. The bill before us doesn't actually make any changes to the administrative suspension process. That's a separate -- it does allow for some stiffer penalties through the administrative suspension process, but the process is what it is, is what has been for six years. I -- the fishermen that I've talked to support it. I know some fishermen that actually have been through the process and felt that they were treated fairly by it. The other thing I'd like to point out is that the two bills that were combined to make up the text for LD 575, LD 1379 had two work sessions, there were 19 items presented at public hearing, plus additional oral testimony. LD 575, which only a small amount of what we have before us today actually came from the proposals in LD 575, that had -- it had a public hearing, as does every bill. It had four items in written testimony submitted, as well as additional oral testimony, and it went through three work sessions. So this was all done in the public. The two bills were discussed, there was plenty of opportunity for public input, and by and large the public input that we got was positive. Thank you, Madam Speaker.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I'm not a fisherman, I'm not a lobsterman; in fact, I can't catch fish in an aquarium, but I am the harbormaster for the port of Portland, Maine, and I cover Portland, South Portland, and southern Casco Bay. I deal with a lot of lobstermen, and being on the Marine Resources Committee, I go out in the field and I actually talk to the different lobstermen about the bills that we have, and 575, I'm going to support it. I believe it is desperately needed, and I have not -- from talking to a number of the lobstermen who -- both the union members, the nonunion members, and association members, the bill's been very well worked, it is good for the industry, please support it. Thank you.

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

ROLL CALL NO. 273

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

NAY - Campbell, Casas, Cebra, Espling, Harlow, Johansen, Kinney J, Kinney M, Lockman, Perkins, Sanderson, Sirocki, Stetkis, Sutton, Timberlake, White.

ABSENT - Frey, Malaby, Pierce J, Sylvester.

Yes, 130; No, 16; Absent, 4; Excused, 1.

130 having voted in the affirmative and 16 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-200)** 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-200)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-451)** on Bill "An Act To Protect Maine's Forest Rangers"

(H.P. 9) (L.D. 8)

Signed:

Senators:

DAVIS of Piscataquis
DILL of Penobscot
SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town
BLACK of Wilton
HIGGINS of Dover-Foxcroft
KINNEY of Knox
MARTIN of Sinclair
McELWEE of Caribou
O'NEIL of Saco

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

Signed:

Representatives:

ACKLEY of Monmouth
CHAPMAN of Brooksville
SKOLFIELD of Weld

READ.

Representative DUNPHY of Old Town moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **TUELL**: Thank you, Madam Speaker. I'm rising a little bit today, and I truly apologize for that, but this is my bill. Madam Speaker, I rise in strong support of the pending motion and ask you to arm and train Maine's Forest Rangers. And I do not make this request lightly, but out of respect for these Rangers and the work they do. On any given day, each Forest Ranger is responsible for nearly one million acres, 1,500 square miles of prime Maine forestland. And while that works out to an area the size of the smallest state in the union, Rhode Island, a land mass -- Maine's unorganized territories have a value of \$3.87 billion, is nothing to sneeze at, nor is the fact that the Rangers serve as the sole fire protection for 46% of Maine that is unorganized, that they respond to thousands of complaints from timber theft to illegal dumping every year, and even do routine traffic stops annually. Last year alone, Rangers were involved in some 4,450 incidents, and ironically enough, only 750 of these were forest fires. On top of that, Rangers issued 550 summons and 800 warnings during the past calendar year, meaning, as some have suggested, they are not simply counting bugs or walking around in the woods. And I would say as an aside there, with the situation with Lyme disease, maybe that isn't such a bad idea, either. Maine Forest Rangers are law enforcement officers. They should be treated like their brothers and sisters in Marine Patrol, Fish and Game, the State Police, County Sheriffs, and local police departments around our state. They deal with the same types of cases in a lot of instances, and put their lives on the line just as cops from Kittery to Fort Kent do each and every day. I think it is past time that we recognize that basic fact and afford these men and women with the protection that they need to do their jobs. After much work, they got bulletproof vests last year. That's a great first step, and a recognition that each of these officers are in harm's way every day. But we need to do more. According to CNN, at least 68 police officers died in the line of duty --

The SPEAKER: The Member will defer. The House will be in order. The Member may proceed.

Representative **TUELL**: Thank you, Madam Speaker. According to CNN, last year, at least 68 police officers died in the line of duty last year across this country. In several notable cases, these officers were targets, were hunted down and murdered because of the jobs they did and the uniforms they wore. You can say that won't happen here, that Forest Rangers have not died in the line of duty in recent memory, but I would hate to think that we legislators sat back and waited for the first fatality. It will happen. But at least we ought to be able to give people all the tools they need to protect themselves, whether they walk around in the woods, walk the beat, or keep an eye out for illegal activity down a skidder path off a woods road 50 miles from the nearest hospital. I want to stop right here and thank the Agriculture, Conservation, and Forestry Committee for amending the stuffing out of this bill, and recognizing that our Rangers need protection, and that we, the 186 members of this Legislature, need to step up to the plate and ensure they get state-issued firearms so that they can respond to a life-threatening situation in a split second. A few weeks ago we all trooped down over the hill to the annual law enforcement memorial service. For many it was an emotional day, a way to say thank you, and a way to remember the

sacrifice of a few brave souls that stood the gap. I pray we do the same today, Madam Speaker, so that if, God forbid, the next name on that memorial does happen to be a Forest Ranger, we all know that we have done all we could to ensure that his or her safety and security while representing our state in the field each and every day. Before I close, I'd like to make a proposition. If money is the issue here, and you are thinking of funding any of my bills this session besides this one, kill them. Tear them up, use them for scratch pads or to houstrain your pet, but this one -- but fund this one and treat all of our law enforcement officers equally. Thank you, Madam Speaker.

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

Representative **TURNER**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise in support of the pending motion. The mission of the Forest Rangers is to protect the Maine forests, resources, and homes from wildfire, respond to disasters and emergencies, and to enhance the safety, sound and responsible management of the forest for this and future generations. We as a state have got to make sure that we give these men and women the tools that they need in order to do this mission. We need to make sure that they have the proper tools to handle their day-to-day job. LD 8 does that. Many of you have heard me talk about the 57 communities in rural Maine where I represent, and this is where a lot of these Rangers live and work. One day while I was out in my district doing doors, making sure that I got every last door, which I will add that I have not done so in two campaign cycles, because one day I knocked on a shed, they said, "Come in," I opened the door, and what happened next could have and probably does happen to the Rangers. There was marijuana plants laying all over this porch. Obviously I wasn't the person they were expecting. The man across reached from underneath the table, pulled out a gun, told me to get to blank out of there. I thought for a second he was going to shoot me, but I backed out of there, ran to the car, and I can't tell you how scared I was. That area and many more like it are where the Rangers work every day. They don't have the choice as I do to not go back there. We need, as a state, to make their safety our mission statement so they can meet theirs. We need these Rangers for our protection, especially in rural Maine, as they are usually the first ones on the scenes. It is only common sense that we give these folks the tools that they need today in our society. This is why I urge you to support LD 8 for the protection of the Rangers and ours while they are doing their job. Thank you, Madam Speaker.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm going to oppose this motion. As you can note, I was one of the, on the committee, that voted Ought Not to Pass. I believe this is a matter of mission creep. I think that the Maine Forest Service people have done a great job in the past, and I agree with both my colleagues that they do a fabulous job and they do sometimes find themselves in harm's way, as do a number of professions that are out there doing the good work for the people. But I believe that the -- that I said before, this is a mission creep. This isn't their mission, and if they find themselves in situations like this, they should have the training and the expertise to extricate themselves when they possibly can from that situation. The Small Woodland Owners of Maine Association, SWOAM, the people that they serve, are not in favor of this happening. The Department that they work for is not in favor.

They -- when asked about the number of instances where they could point to incident reports that would require this sort of arming of Rangers, they said there were none. Now, either the Rangers are not providing those incident reports currently, or, if they are providing them, then the department is destroying them, and I'd like to think that the latter is not true. So for those reasons and some others, Madam Speaker, I will oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Times have changed. Things found in the woods and the forests have changed as well. We have a branch of our law enforcement in this state that is not equipped to protect themselves in the everyday duties that they perform. These men and women that serve as Forest Rangers in our state, they go out and, no different than any other law enforcement officer, the situations they find themselves in, they put their lives on the line each and every day for each and every one of us here in this chamber. There's all kinds and a myriad of reasons why I believe we should support this bill, and I support it wholeheartedly, and I am so thankful that Representative Tuell brought this forward. Some of us may sit here and think it's about the money. This should not have anything to do with money. This should have to do with doing the right thing. There's times when we shouldn't spend money, there's times when we should. This is one of those times. This is the right thing to do. And make no mistake about it, whatever happens on the west coast eventually ends up happening on the east coast, and just as Representative Will talked about a short time ago, we have had officers, law enforcement officers in this country, executed, literally executed, and we, our Forest Rangers, being in the law enforcement field, they are a target. The difference between them and a regular law enforcement officer is they are a soft target because they have no way to defend themselves. We owe it to these people. They deserve it; it's long overdue, let's support this bill and let's get a unanimous out of this House for it. Thank you very much.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As many of you know that have been here before, this is an ongoing debate that's been going for some time, and as I listen to the comments today from good members of the body, two things come to mind. One is that reality today is, particularly in rural Maine, the ability for law enforcement officers to be available for any particular crisis that might arise, whether it be a domestic violence situation or someone with a gun or whatnot, those things happen in rural Maine, and oftentimes it may take half an hour or 45 minutes for a state trooper to be able to get to a particular site of a particular crime. And so, reality today is that if we're going to protect people, you need to be able to have the resources to do that, and it is unfair, it's fundamentally unfair to send somebody into a potentially dangerous situation where they don't have the ability not only to help the situation, but then to put themselves in danger, in terms of being able to try to solve the situation. The second issue that comes to mind is my military training, and what I mean by that is, is that oftentimes in the military we are encouraged in many times to cross-train into different fields. And so, you may have someone in admin for three years who then becomes proficient in fixing planes, who three years later then becomes a security forces officer. And what I just mean by that, is that you

become a multitask asset for the military in terms of doing different things. Recognizing that we have limited resources in this state, our state police, our game wardens, I see this as simply cross-training, bringing into the next century the ability for Forest Rangers to be full partners in the ability to fight crime, whether that is domestic violence, people with guns, or whatnot. And so while this debate has raged on for quite some period of time, I think it's probably time we sort of get this behind us, vote in favor of the pending motion, and move on so that we can focus on other issues. Thank you, Madam Speaker.

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I guess I have a problem with this. This has been like the white whale for the last seven years of my time here. As I read this bill, this bill says it allows them to carry a personal concealed weapon for their own personal protection. My question I propose to ask through the Chair with permission is -- is it all right?

The SPEAKER: The member may proceed.

Representative **TIMBERLAKE**: Thank you. I guess the question I would ask through the Chair is, is there anywhere in this bill that it's wrote in order for these officers or Rangers to carry these weapons, are they required to have any training at the same level as our police officers of today, because my question would also pose, if so, who becomes responsible when they act and haven't had the proper training in carrying a weapon or using a weapon in self-defense? I think this is a bad bill.

The SPEAKER: The Representative from Turner has posed a question to anyone who may be able to answer. There are four people in queue. The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. The amendment replaces the bill and adds a training component through -- it adds a training component through the Academy. Thank you.

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

Representative **RECKITT**: Thank you Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, you don't often see me standing up A) agreeing with my good colleague from Newport, nor standing up on behalf of guns. However, I am standing up, in my mind, for these folks who I believe are another segment of the law enforcement community, which should indeed be armed to do their job, and I am appreciative of their service to the state in an arena where I tread very infrequently, but I really think it's important that everyone who is in the woods, whether for work, or recreation, or any other means, feel secure that if something untoward happens, there will be someone there who might protect them. So I rise today in favor of the pending motion. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House. The only thing worse than having to admit a mistake is not admitting one, and I was one of those committee members who voted Ought Not to Pass on this particular bill. Today, based on what I've heard on the floor of the House, I will be supporting the current motion.

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 only rise a second time to answer the question from the Representative from Turner as well. The Representative from Old Town is correct, the bill has been amended, and while the bill originally allowed Forest Rangers to carry their own guns, it was decided that probably wasn't such a prudent thing to do, so the committee amended it so that the state would end up covering the cost of those firearms and I think that -- I think, as others have said, we are at the place and time where we need to make this happen, so thank you.

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

Representative **BABBIDGE**: Madam Speaker, I rise only because a roll call has been asked for, and therefore I am going to explain my vote. I will be voting against the motion. I was actually moved by hearing Attorney General Mills at the commemoration out here last month that the Game Wardens, actually, were the primary victim of law enforcement deaths during the last half-century. I don't know if we're going to call it mission creep, but I see Forest Rangers far differently than I do Game Wardens, and I would like to keep that distinction. If arming Forest Rangers changes their behavior in any way, I don't think I would be in favor of that. I have read where a Forest Ranger has been shot on an approach to a call but had he been carrying at the time, he still would have been shot on an approach to a call. So, I do not want to see a difference in behavior as far as the Forest Service's call is concerned. And I -- you know, maybe I've grown up with Smokey the Bear and don't need to see a sidearm on his side, but my point is that I don't feel that this is necessary for Forest Rangers to be respected and to do their jobs, and so I will be voting against the motion. Thank you.

The SPEAKER: There are four members in the queue. The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen. I wasn't going to stand up, but I'll be very brief. As you may know in this body, I grew up in a rural town in Aroostook County. I grew up in the logging industry. I also served, a combat veteran of the Afghanistan War and the Iraq War. I can tell you firsthand, unless you stumble into the woods and have to lay out a wood block for six hours straight and you're surrounded by a pack of wolves, the only way that I have ever felt comfortable is having a sidearm. That was even before I was legal to carry it or have a concealed weapon. So, it is a deterrent, and I think it's quite ironic because last session we armed the Forest Rangers with flak jackets, protective vests. When we were over in Iraq we had weapons but not any flak jackets, so I think it's pretty ironic, but I got to support this and yes, we don't want to become the "Wild West," but it's the safety of our Forest Rangers. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, Representative Tuell is correct. We kicked the stuffing out of this bill in committee, and because it was about -- everybody buy your own gun and don't worry about training and let's send them into the woods. So the committee recommended a bill that came out was that, if they were going to be armed, they should be -- the service

revolvers should be provided like they are with the Maine State Police or anyone else here in the State of Maine in which we arm, and they should meet the same training standards. In fact, a section of the law says firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy. We want to make sure that people are trained, obviously, if they're going to be issued weapons. So, where I live in Piscataquis County, this is, I think, a really important bill and I ask for your support. 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 rise in support of this motion and I want to provide two pieces of history that have not yet been said. Forest Rangers were able to carry firearms up until 1989. I won't tell you what happened since then, but today it is true that by statute, Forest Rangers are certified law enforcement officials. I'm going to say that again. Forest Rangers are certified law enforcement officials; the only unit in Maine not allowed by policy to carry firearms in the line of duty. We get to correct that problem, today. I suggest we do it forthwith. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I will be supporting this motion, but I do have some concerns. I see the bill exempts them from the Basic Law Enforcement Training Program, so they are not the same as the Game Wardens, and Sheriffs, and State Police. They are all required to go to the Basic Law Enforcement Training Program. This bill will allow them to carry firearms, but they're not going to be required to go through the same law enforcement training as every other law enforcement officer in the state. So while they are certified law enforcement officers, it's under a special program, and they're not receiving the same training as Marine Patrol, Game Wardens, State Troopers, local police, Sheriffs. So they are kind of on their own little island there, and I do think there's more to carrying a firearm and being a law enforcement officer than just going through a week of shooting. There's another 17 weeks of training at the Basic Law Enforcement Training Program which trains them in how to de-escalate situations, and so, like I said, I will be supporting this but I do have some concerns. Thank you.

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

Representative **NADEAU**: Thank you, Madam Speaker. So these fine people that we have the right thing to do today, I have a long history with them. A lot of these people have gone through the BLETP program. In fact, some of these people teach part of the BLETP program. So they do have this training. A lot of these people did not go through the academy because they had their own training which is superior -- well, a little more extensive than the academy. So this I do know: times have changed; the woods are not what they used to be. We need them to be as protected as we need the people on the streets to be, and this is why I am in total support of these people and of this bill.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I just think it might be important for this body to understand the fiscal impact of this bill, and I'll read to you part of the fiscal note. This bill includes appropriations of \$87,899 to purchase

firearms, ammunition, holsters, and lock boxes to arm Forest Rangers, \$13,330 for firearms training, and \$35,302 for overtime staffing in fiscal year 2017/2018. It goes on to say that the Department has indicated that 50 Rangers currently classified as Forest Ranger II positions will need to be reclassified with a salary equivalent to a Game Warden or Marine Patrol officer. If such a reclassification occurs, the cost is estimated to be \$9,880 per position, for a total of \$494,000. This cost is not included in this fiscal note. Thank you.

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

ROLL CALL NO. 274

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

NAY - Babbidge, Cebra, Chapman, Dillingham, Hanley, Harlow, Johansen, Kinney J, Marean, Seavey, Sherman, Sirocki, Skolfield, Timberlake, Winsor.

ABSENT - Frey, Pierce J, Sylvester.

Yes, 132; No, 15; Absent, 3; Excused, 1.

132 having voted in the affirmative and 15 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-451)** 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-451)** and sent for concurrence.

Representative HERBIG of Belfast assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-446)** on Bill "An Act To Amend the Animal Welfare Laws To Add Provisions Relating to the Surrender of Animals"

(H.P. 1097) (L.D. 1593)

Signed:

Senators:

DAVIS of Piscataquis
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
HIGGINS of Dover-Foxcroft
KINNEY of Knox
McELWEE of Caribou
SKOLFIELD of Weld

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

Signed:

Senator:

DILL of Penobscot

Representatives:

DUNPHY of Old Town
ACKLEY of Monmouth
CHAPMAN of Brooksville
MARTIN of Sinclair
O'NEIL of Saco

READ.

Representative DUNPHY of Old Town moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

ROLL CALL NO. 275

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Harrington, Herbig, Hickman, Hogan, Hubbell, Hymanson, Johansen, 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, Parry, Perry, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler.

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

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

ABSENT - Frey, Pierce J, Prescott, Sylvester, Winsor, Madam Speaker.

Yes, 80; No, 64; Absent, 6; Excused, 1.

80 having voted in the affirmative and 64 voted in the negative, with 6 being absent and 1 excused, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-454)** on Bill "An Act To Recognize Computer Science in the Path to Proficiency" (H.P. 289) (L.D. 398)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle

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

Signed:

Representative:

TURNER of Burlington

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-454)** 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-454)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Clarify That Involuntary Transfers of Teachers and Municipal Public Employees Are Subject to Collective Bargaining"

(H.P. 767) (L.D. 1093)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

KORNFIELD of Bangor
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-442)** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
PIERCE of Falmouth

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Set Standards in the System of Learning Results for Financial Literacy"

(H.P. 894) (L.D. 1297)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

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

Signed:

Representative:

DAUGHTRY of Brunswick

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend High School Diploma Standards"

(H.P. 974) (L.D. 1416)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-444)** on same Bill.

Signed:

Representatives:

SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. The Education Committee has heard from a number of legislators this session who have asked us to incorporate topics and contents no longer covered in the public schools. Oh, yes, we hear lip service that the fact, that these are in the standards. Herein lies the very problem. When aspects of a topic are spread throughout the standards, the cohesiveness and connectivity to that topic is not realized. If, for example, parts of a car are disassembled and placed throughout a garage, you don't have a complete working car. Likewise, no real understanding of topics is really occurring when pieces of its content are speckled throughout the standards, throughout the grades. This disjointed lack of sequence only leaves our students lacking. So how are teachers to successfully do this? This bill removes the mandate for a proficiency-based diploma. It reverts the law back to local control, with a local diploma requirement, returning to the prior graduation requirements. Schools will be able to revert back to the core content courses that we all grew up with, which will allow the flexibility for students and schools to refocus on topics such as civics, financial literacy, computer skills, just to name a few. This would allow greater flexibility. Do any remember your favorite electives in school? For some, those may have been the only reason to go to school. Courageous educators are starting to express a growing concern about the direction we are headed in. The increased lack of flexibility is a concern as the ever-

increasing rigid requirements will eliminate electives. Currently, there are no rules in statute, yet proficiency-based education is spread throughout the state as if that were the mandate. This law, passed five years ago, but as just a diploma mandate, has become the vehicle used by nonprofit organizations to convince schools how to implement these unproven teaching practices, forcing schools to spend untold amounts of money on technology and support systems, as well as needing to hire more personnel, not to mention the countless hours spent by teachers documenting vast amounts of student data. We now find ourselves, after hundreds of thousands of dollars, no further ahead. By some accounts we are actually regressing, not progressing. This is an enormous, expensive experiment. Why are we using our children as guinea pigs to nonprofit consultants? It's time to stop and reconsider. The graduation requirements and the teaching methodology should be a local decision. Each district should have the right to decide the approach they wish to pursue, so I would vote no to the pending motion. Thank you.

The SPEAKER PRO TEM: 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. 276

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gillway, Ginzler, 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, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Ward, Warren, Zeigler.

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

ABSENT - Frey, Gattine, Malaby, Pierce J, Skolfield, Sylvester, Winsor, Madam Speaker.

Yes, 78; No, 64; Absent, 8; Excused, 1.

78 having voted in the affirmative and 64 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Facilitate Voluntary Cooperation among School Systems"

(H.P. 1009) (L.D. 1470)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor

DAUGHTRY of Brunswick

FARNSWORTH of Portland

FULLER of Lewiston

McCREA of Fort Fairfield

PIERCE of Falmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-455)** on same Bill.

Signed:

Senators:

LANGLEY of Hancock

MAKER of Washington

Representatives:

GINZLER of Bridgton

SAMPSON of Alfred

STEWART of Presque Isle

TURNER of Burlington

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: 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. 277

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, 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, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler.

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

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

ABSENT - Frey, Gattine, Malaby, Pierce J, Sylvester, Winsor, Madam Speaker.

Yes, 76; No, 67; Absent, 7; Excused, 1.

76 having voted in the affirmative and 67 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Safeguard Student Contact Information Provided to Schools"

(H.P. 1022) (L.D. 1483)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor

DAUGHTRY of Brunswick

FARNSWORTH of Portland

FULLER of Lewiston

McCREA of Fort Fairfield

PIERCE of Falmouth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-456)** on same Bill.

Signed:

Senators:

LANGLEY of Hancock

MAKER of Washington

Representatives:

GINZLER of Bridgton

SAMPSON of Alfred

STEWART of Presque Isle

TURNER of Burlington

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **SIROCKI**: Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House. As a mother of three active sons that have graduated from Scarborough High School, I was involved with our local public school district as a parent, as a classroom volunteer, as an officeholder in several booster clubs. My father is a retired teacher. Over the years, many parents have commented to me on the increasing frustration about the frequency with which students' contact information was being used to engage in political activity. The problem also stretched beyond political activity. A number of years ago, while I served as a booster president of a large group of students, I was asked to attend a private meeting. The director of the after-school activity for which I served as

president had reached out to me and wanted to introduce me to someone. I was about to meet a representative involved with a proposal to build a very large swimming pool in Scarborough. I was shocked to learn that he wanted the booster club's student contact information. We had more than 200 children actively participating in the program, and I refused to release it because I felt it would be a betrayal of the trust between the parents and the booster organization that I served. After this experience, I began to notice a disturbing trend. Parents would share emails with me that they had received from athletic coaches, even their children, once they had graduated from school, they were still receiving messages from their former coaches. The email might begin innocuously enough, but then things would turn political. The message would be more than just a reminder of a date for practice or an upcoming game. There would be a strong plug urging parents to vote a certain way about various issues. Scarborough parents have also complained to me that they were irritated by the automated reminder phone calls they receive on their phones from the superintendent. Not all residents receive Get Out the Vote messages, just the homes of students. Then a school board member sent a message urging parents to vote for a specific candidate. The odd thing was, many parents had no idea how this board member had gotten their contact information, because they were not in any way personally acquainted with her. Had someone within the school department shared our students' contact information with a Board of Education member? This bill was amended to limit the safeguard to only state referendum questions. I will support the amended version, but my original intent was that students' contact information should not be used, sold, distributed, or shared for any political purposes. For these reasons I am opposing the pending motion. Thank you.

The SPEAKER PRO TEM: 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. 278

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Golden, Grant, Grohman, Hamann, Handy, 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, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler.

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

ABSENT - Frey, Gattine, Malaby, Pierce J, Sanderson, Sylvester, Madam Speaker.

Yes, 72; No, 71; Absent, 7; Excused, 1.

72 having voted in the affirmative and 71 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding Educational Standards for Maine Students" (H.P. 1085) (L.D. 1578)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-457)** on same Bill.

Signed:

Representatives:

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

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker and Ladies and Gentlemen. This bill is dealing with the common core state standards. There has been much discussion throughout the state for several years now about concerns of developmentally inappropriate teaching practices for the youngest of children. We have seen videos and heard stories about fuzzy math practices bringing young kids to tears, only to instill a hatred for math. Then there is the practice of close reading, which effectively squashes the love of reading. These are all symptoms of the greater problem. Common core is not just the standards, but it is the embedded methodology of teaching that has parents, teachers, and students deeply troubled and upset. With the passage of the federal Every Student Succeeds Act, we as a state have greater autonomy and are in a prime position to repeal and replace our K-12 educational standards for math and English language arts. If we, the state legislature, decide we would like stronger standards and fewer tests, we are able to do that. The U.S. DOE, by law, may not reject our plan. This bill proposes a total repeal of the common core standards for math and English language arts, replacing them with the high-achieving Mass

standards -- Massachusetts standards. Massachusetts, upon implementing these standards, quickly rose to be ranked number one nationally for over ten years. When Massachusetts students competed at the international level, they ranked at the very top among other countries. These standards are an excellent example for Maine to start with. By the way, Massachusetts received \$250 million when it changed their position -- when they changed their position and adopted the common core standards, and already Massachusetts is no longer ranked at the top. This bill further proposes convening two groups of experts, one in math and one in English language arts. These groups will consist of teachers who are very experienced in their content area for their specific grade levels. Content specialists at the college and university level are also included. Together, these Maine educators will use the developmentally appropriate, content-rich, proven Massachusetts standards to adapt standards they deem appropriate for our Maine students. By having elementary, middle school, and high school teachers, along with university content specialist professors, these two groups will be able to effectively determine what is appropriate and necessary for the youngest grades all the way up through high school, making sure our students are able to be well-prepared for college level work, should that be their goal. This bill will provide opportunities for students to be well-equipped if we use these proven, high-quality standards. Why experiment and potentially limit our children's future with poorly rated, experimental standards, as in the case of the common core? I urge you to vote no to this pending motion. Thank you.

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

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. I stand before you today in opposition of the pending motion. Being an educator in Maine for the last 25 years, I have the scars to prove it when it comes to education reforms. Our teachers and school administrators have always played a central role in defining and reviewing our major school reforms, especially when it comes to our state's educational standards. Our teachers have always been trusted to adapt our standards to their classrooms without serious restraint or limitation. As a result, Maine schools have always performed among the top tier of American schools despite our relatively low teacher pay and difficult economy. In short, Maine schools have always punched well above their weight. Our adoption of the common core state standards changed all of that. We all have teachers in our districts. I'm sure all of us in this room could personally list a number of wonderfully effective, highly skilled, compassionate, dedicated teachers who are now gone, retired, left the field, or simply changed professions due to the common core. I am sure if any of you here in the House spoke to any of your local school teachers back home, you would certainly get an earful about how we have had to alter our methods of teaching, removing the creativity and innovation that has always brought teaching alive. It is sad and a shame to see tried and trusted units of studies, lesson plans, learning activities, tossed out of the classroom because they simply don't align with the common core. Benjamin Franklin once said, "Take time for all things. great haste makes great waste." Much the same can be said about what happens in this building. We rush to implement programs and laws without adequate review, and accept funds from the Federal Government without thinking clearly of what we're agreeing to do in return. We adopted the common core without any serious review by our educators. We pushed ahead in order to get the money. Of course we get nothing

except the obligation to use the standards and tests, sight unseen. Over the past few years it's become apparent, at least in Maine's classrooms, that the critics were right, the standards were drafted by a small group of individuals with either no experience in teaching or who are not active in the profession. I thank you for the opportunity to speak on this legislation and I ask you to follow my light.

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

Representative **TUELL**: Thank you, Madam Speaker. I'm going to rise in opposition to the pending motion. Common core has kept coming back several times over the past few years and will probably keep coming back, because it does seem that there is a disconnect between the parents and the schools and the Legislature, and I don't know how best to solve it. I know there have been any number of alternatives out there, but we have to figure this out, and this bill, to the extent that it can do that, I'm supporting it, because I think that we need -- we need to figure it out. We need to do -- we need to give confidence back to our schools. I mean, there's a lot of talk about funding being the cause of the angst in this state over schools today, but I would submit a lot more of it has to do with the fact that there is a divide in philosophy, not a divide in whether schools should be funded more or less, or who's right and who's wrong and who's on what side of the aisle, but I would suspect it really gets down to things like this that are quite obscure but nonetheless important, so I thank the Representative from Alfred and the Representative from Lebanon for standing up in support of the bill. I realize it's probably a losing proposition again, but my intention in bringing it forward was to keep the issue alive in hopes that, at some point in time, we could finally deal with it, so I hope and pray that we can. Thank you, Madam Speaker.

The SPEAKER PRO TEM: 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. 279

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

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

ABSENT - Chace, Frey, Malaby, Pierce J, Sanderson, Sylvester, Madam Speaker.

Yes, 77; No, 66; Absent, 7; Excused, 1.

77 having voted in the affirmative and 66 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Require Responsible Contracting on Public Construction Projects"

(H.P. 961) (L.D. 1382)

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:

MARTIN of Sinclair
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
ORDWAY of Standish
PICKETT of Dixfield
SPEAR of South Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-450)** on same Bill.

Signed:

Representatives:

BEEBE-CENTER of Rockland
BRYANT of Windham

READ.

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

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

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

Representative **BATTLE**: Thank you, Madam Speaker, I request to speak on the record.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, on Memorial Day weekend two officers responded to a distress call. Both officers were ejected from the vessel that they were operating on. One officer was a 20-year-old male by the name of Nathan Desjardins, and it was his first day on the job. Yesterday Officer Nathan M. Desjardins, age 20, died as a result of his injuries. At this point in time, I would ask you please rise and join me in a moment of respectful silence for the officer, and be mindful of the officer, his family, and his fellow officers.

At this point, the Members of the House stood and joined in a moment of silence in honor of Fryeburg Police Officer Nathan Desjardins.

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

The accompanying item 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

(S.P. 278) (L.D. 832)
(C. "A" S-33; H. "A" H-186)

Which was **TABLED** by Representative HERBIG of Belfast pending **RECONSIDERATION.**

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is actually a pretty straightforward letter from the Chief Executive, a similar issue to what we've talked about in the past in regards to what, in my opinion, is legislative overreach in regards to the Legislature directing the Chief Executive to do something. I think that this is, again, something that the former Chief Executive, Governor Baldacci, actually spoke to in regards to a similar bill, that said that he did not support similar items such as this, the Legislature overreaching on these sorts of issues, and so I will be voting to sustain the veto and ask you to follow my light.

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

Representative **GATTINE**: Thank you, Madam Speaker. I'm rising in support of overriding the Chief Executive's veto. Just to remind the body, the matter before us would provide affordable senior housing for seniors across the State of Maine. There are more than 9,000 senior households now on waiting lists for affordable homes. This proposal will provide homes for them, with the construction beginning as soon as the bonds are issued and the funds are disbursed. There are currently projects under development that could be funded by this bond across the State of Maine, including projects in Bangor, Brewer, Caribou, Hollis, Machias, Mechanic Falls, Ellsworth, Poland, Rockland, Waterville, and also other communities. As we discussed when we debated this bill earlier, this bond authorization passed at the ballot box with about 70 percent of the vote, with a strong majority in every county across the state. And we did receive a pretty detailed veto message from the Chief Executive, and I want to just address a few of the points that were made in that message. The veto letter says that the bill will impact all bonds, that this is a broad overreach with respect to all of the authorizations of bonds in the future. I wanted to point out to the body that actually, under this bill the -- what we're trying to accomplish here, and pushing forward the release of these bonds would only apply to the senior affordable housing bonds that were authorized by the voters in November of 2015. This bill is very narrowly tailored. The process that's set forward in the bill is also very straightforward, and my understanding from talking to the sponsor of this bill is that he did work in close collaboration with the State Treasurer in making sure that this set forward a process that protected the financial best interests of the state. And the Chief Executive also states in his veto letter that this proposal is unconstitutional and violates the principle of separation of powers. Again, I would just hope the body will understand that when you look in the State Constitution and Article IV, Section 14, the lengthy section about the authorization of general obligation bonds, there is no specific

constitutional role for the Governor. The word "Governor" or the word "Chief Executive" is never mentioned in that. It is a legislative function, and we certainly have the authority here to enact this bill to push these bonds out to authorization. This housing is sorely needed by seniors across the state, in rural communities and in more urban communities, it would be a tremendous benefit to Maine seniors who really are just looking for the opportunity to stay in their home safely as long as possible, and I hope you will join me in overriding this veto. Thank you.

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

Representative **WARD**: Thank you, Madam Speaker Pro Tem. Ladies and Gentlemen of the House, I might surprise a few folks because I am rising in support of an override of this veto. In 2015, this body and the general public supported a senior affordable housing bond overwhelmingly, and after the bond was passed, many communities in Maine began discussing the possibility of affordable senior housing to serve on their local seniors. That was one of the benefits of the bond discussion. It educated people about the problem, and it got them thinking about creative solutions. There are many communities working on these senior projects right now. A number of them have been mentioned already. Bangor and Brewer in my area are talking about this; up in Caribou, in Rockland, Ellsworth, Hollis and Machias, even in Waterville. These are real opportunities, and these projects are ready to move forward and ready to be built by Maine builders when the funding is finally freed up. Now, the leaders in these communities realize these projects will provide desperately needed safe, affordable homes for low-income seniors; they will put hundreds of Maine people to work; they will improve municipal bottom lines, because these housing facilities all pay property tax. They will leverage millions more in private investment, an investment that will strengthen Maine communities. The bond is expected to utilize building materials totaling \$14 million and generate construction wages of \$7.5 million dollars while providing 225 new, affordable senior homes and repairing another 100. Now, unfortunately, our Chief Executive has vetoed this bill. Now, the reasons provided in the veto message don't necessarily stand up to close scrutiny, and some of those have been brought up here today. There is the argument that the bill is unconstitutional. That's not the case. The Constitution does not provide the Chief Executive with a formal role in issuing bonds. He does have a role in statute and law, but we amend laws here every day, and 832 will amend the law just for the senior housing bond alone, and allow the treasurer to release the bond without the Chief Executive's involvement, and that's all. Madam Speaker Pro Tem, this is not and should not be a partisan issue. This was approved by the Maine voters, not by a mere 51-49 margin with millions of out-of-state monies tipping the scales. No, we've seen that. Madam Speaker Pro Tem, this was passed by a 70-30 vote, and by even a greater majority in margin in my district and many of the districts represented here today. Accordingly, Madam Speaker Pro Tem, I ask that you join me in overriding the Chief Executive's veto. Thank you.

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

Representative **GROHMAN**: Thank you, Madam Speaker. I just want to sort of take members of the previous Legislature back two years to the big debate where we originally developed these bonds, and if you will recall, the initial attempts of the previous Speaker of the House to move this bond along were not successful; and it took quite a

compromise to get to what we ultimately developed and passed to send out to the voters, and it was an interesting thing and really, the way the bonds were developed was -- and what was added, was provision that the work take place in rural counties, and you'll see if you look closely through the language in the bond that really, it's directive in that respect, and at least four of the projects do have to take place in the most rural portions of the state, which is something that's really brought me along on this project. And then another thing I would point out is that a significant portion of the proceeds is also designated for, quote, unquote, "aging in place," as maybe what we're all doing here today, but I think maybe members of the senior community are very much in favor of that type of work. The ability to stay at home is so important. So, I just think there's a lot of benefits behind this effort, and I ask, if I may, for your support.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen, Speaker of the House. I apologize for rising a second time. I'll only remind you that when we actually passed this bill and if you actually go back and read the language, the language under section 1 says the Treasurer of the State is authorized under direction of the Chief Executive, that would be one section of the bill, and then when you go to another section of the bill, section 3 of the bill, also says the Treasurer may negotiate the sale of the bonds by direction of the Chief Executive. That's the language of the bill that we passed. And so, that therefore requires the role of the Chief Executive in the role of issuing these bonds and, you know, while there may be people out there that want these bonds issued, my understanding is in my conversations with the Chief Executive, trying to make sure that these bonds get issued in a way that get the most value for the dollar and they're done in such a way that maximizes the use and the availability, in the end, of facilities available for seniors. So rather than trying to play micromanager today, and not following the law that we previously passed, what we ought to do is sustain the Chief Executive's veto and let him do the work that he needs to do in doing the senior bonds. Thank you, Ladies and Gentlemen of the House.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the Objections of the Governor?'

The SPEAKER PRO TEM: 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. 280V

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Dillingham, Espling, Farrin, Foley, Fredette,

Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, O'Connor, Parry, Perkins, Pickett, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Frey, Pierce J, Sylvester.

Yes, 89; No, 58; Absent, 3; Excused, 1.

89 having voted in the affirmative and 58 voted in the negative, with 3 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

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

**CONSENT CALENDAR
First Day**

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

(S.P. 469) (L.D. 1361) Bill "An Act Regarding State Hiring and Retention for Persons with Disabilities" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(S.P. 467) (L.D. 1359) Bill "An Act To Adopt the Interstate Medical Licensure Compact" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-208)**

(S.P. 482) (L.D. 1404) Bill "An Act To Ensure the Integrity of For-profit Colleges" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)**

(S.P. 515) (L.D. 1485) Bill "An Act Regarding MaineCare Coverage for Telehealth Services" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-205)**

(S.P. 518) (L.D. 1489) Bill "An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-206)**

(S.P. 556) (L.D. 1583) Bill "An Act To Amend the Electricians' Examining Board Licensing Laws" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-211)**

(H.P. 101) (L.D. 143) Bill "An Act To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-452)**

(H.P. 597) (L.D. 848) Bill "An Act To Support Law Enforcement Officers and First Responders Diagnosed with Post-traumatic Stress Disorder" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-448)**

(H.P. 806) (L.D. 1143) Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-453)**

(H.P. 849) (L.D. 1217) Bill "An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-445)**

(H.P. 1104) (L.D. 1601) Bill "An Act To Reduce Costs to Businesses by Phasing Out the Pet Food Surcharge" (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-447)**

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

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

(S.P. 201) (L.D. 586) Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-202)**

On motion of Representative GOLDEN of Lewiston, 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.

(H.P. 930) (L.D. 1336) Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-443)**

On motion of Representative GOLDEN of Lewiston, 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.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

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

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

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)** on May 4, 2017.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111) AS AMENDED BY SENATE AMENDMENT "A" (S-141)** thereto in **NON-CONCURRENCE**.

TABLED - May 25, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **FURTHER CONSIDERATION.**

Subsequently, the House voted to **INSIST.**

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to**

Pass - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-441)** - Committee on **JUDICIARY** on Bill "An Act Regarding Parental Rights"

(H.P. 335) (L.D. 472)

TABLED - June 7, 2017 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative MOONEN of Portland moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

Representative **ESPLING**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, parenting as a fundamental right has been long established in several court cases until the recent Troxel v. Granville case in the year 2000. In this case, the U.S. Supreme Court, for the first time, refused to acknowledge strict scrutiny, which -- the strict scrutiny tests that required proof of harm before the government could interfere with parental rights and instead of granting -- instead granting judges to look at parental rights on a case-by-case basis. This essentially left parental rights in question, and 24 court cases show that the right to parent as a fundamental right has been in question. Because of the ambiguity set forth by the Troxel case and the fact that states are using Troxel to put into question parental rights, it is incumbent upon the states themselves to clearly define parental rights in statute. If parental rights are not defined, it will be up to judges to define the rights of parents, and they may not always use the strict scrutiny standard. This has not been the case for Maine thus far, but clarity in the law would help give future protections to parents moving forward. I hope you will help me in defeating this motion and supporting LD 472 so that we can clearly define in law the rights of parents here in Maine. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank, Madam Speaker, Ladies and Gentlemen of the House. I'm opposed to this pending motion and would like to speak to this. Courts have historically recognized that freedom of personal choice in matters of marriage and family, family life, is one of the protected liberties we have enjoyed over the centuries. The interest of parents in the care, custody, and control of their children is perhaps the oldest of the fundamental liberties interests recognized by the Supreme Court. However, the lines are starting to become somewhat blurred. We must establish well-defined parameters by which judges will have clear direction in statute regarding parental rights. It has been historically a fundamental right to raise our children as we see fit. Some of these rights include the many decisions made in the care and upbringing of our children, which is not limited to how we choose to educate our children, whether it be public, private, or home-educated. Many additional parenting

decisions include the way we decide to raise and care for our children. All these and many more decisions encompass parental rights. This bill will help to codify this fundamental right in our Maine law. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise to support the pending motion and ask you to vote Ought Not to Pass on this bill. My caucus may be a little bit tired of hearing me speak about parental rights, but this year -- or, this time it's actually in the title of the bill, so it's very relevant here. Frankly, this bill is just not necessary. I appreciate the comments from the Representative from New Gloucester, who said that we have had no problems here with our judges and our court system here in Maine with parental rights. Our court system here in Maine has been applying strict scrutiny when parental rights issues have come up. So, there's two ways that challenges to parental rights could happen. One is through the courts; as the Representative from New Gloucester has said, we've had no problems. You know, this Chief Executive and the others before him have done a really fantastic job of picking highly qualified and intelligent lawyers who know how to apply the law appropriately, and that is why we haven't seen any of these problems with our judges or our courts, and I am fully confident that that will continue as we move forward with the future appointments of this Chief Executive and the vetting of those appointments that we do in the Judiciary Committee. The other way that parental rights could be challenged is through legislation, and this body, on a bipartisan basis, has been very strong in opposing any potential legislation that could undermine parental rights. Even just a few days ago, we had an overwhelming bipartisan vote to sustain a veto that would have -- that the Chief Executive pointed out rightly would have undermined parental rights. So, I think our body and this Legislature have done a good job of making sure that that doesn't happen. Finally, I just want to say it's hard to -- you know, we hear threats about parental rights, and I just want to make sure everybody understands what those challenges to parental rights actually look like, because we've seen a lot of them in the Judiciary Committee this year. The people who are bringing challenges to parental rights are family members. They are kinship caregivers. They are aunts and uncles and grandparents. And this has gotten more serious this year and in recent years because of the opiate crisis, and we have these family members who are coming to us, they have taken on responsibility of children and their families because those children's parents are unable to care for their children, whether through drug use or other issues; and they have come to us and said we are taking care of these children, we need parental rights, and our committee on a bipartisan basis has deeply empathized with the problems that they are facing and has struggled to come up with creative solutions to help them while their families are in crisis and while they are taking care of children. But the thing we have also done on a bipartisan basis is say we cannot give you parental rights if you are not the parent of this child or these children. That is something that is fundamental, our Supreme Court here in Maine does apply strict scrutiny to it, and while we are deeply sympathetic to the problems that families are facing in Maine, we just cannot give parental rights away. But I just want everyone to understand that when we hear about challenges to parental rights, it's not some nefarious, evil-intended group, it's family members who have really good intentions and are trying to do the best for their families that are bringing challenges to

parental rights, and even though we sympathize with that, our committee has said no, we cannot give you parental rights. So, I would just say we have stood strong on the side of parental rights and because we have done that and I believe we will continue to do that, this bill is unnecessary and I ask you to vote Ought Not to Pass. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Cardone.

Representative **CARDONE**: Thank you, Madam Speaker Pro Tem. I rise in support of this motion and in support of the comments made by my committee chair, the good Representative from Portland. I just wish to add a couple of extra things. First of all, with respect to the United States Supreme Court decision of Troxel v. Granville, that decision didn't erode parental rights and responsibilities, it established parental rights and responsibilities. And to the extent that this Legislature and -- excuse me, it established those parental rights and responsibilities and elevated them to a federally protected constitutional right. To the extent that there has been a suggestion that this legislative body can pass a law that changes that standard, that suggestion, I submit to you, is in error. We cannot in this body override rights under the federal Constitution. Second, if I may, Madam Speaker Pro Tem, echo my own thoughts on what happened at the hearing on this bill. The primary speaker in favor of this bill was someone from the State of Virginia who did not have a license to practice law in the State of Maine, who came before the Judiciary Committee to lecture Maine legislators on what the law was in Maine, on the poor job that Maine justices are doing, or can do, if left to their own devices, and frankly, by implication, that we in this State Legislature were not doing our job in the appointment of those judges. Madam Speaker, that was ridiculous and I find it insulting and to the extent that that is the foundation of this bill --

The SPEAKER PRO TEM: The member will defer. The Chair recognizes the Representative from New Gloucester, Representative Espling and inquires why the member rises.

Representative **ESPLING**: Thank you, Madam Speaker. I just had some concerns with some of the comments from the current speaker.

On **POINT OF ORDER**, Representative **ESPLING** of New Gloucester asked the Chair if the remarks of Representative **CARDONE** of Bangor were germane to the pending question.

The SPEAKER PRO TEM: The Chair will remind all members to limit your comments to the bill itself. The member may proceed.

The Chair reminded all Representatives to stay as close as possible to the pending question.

Representative **CARDONE**: Thank you, Madam Speaker Pro Tem. To the extent that that is the impetus for this bill, it is completely without substance. This bill does nothing --

The SPEAKER PRO TEM: The member will defer. The Chair would inquire why the Representative from New Gloucester, Representative Espling, rises.

Representative **ESPLING**: Thank you, Madam Speaker. I think she's questioning the motives of myself as the introducer of the bill and I have an issue with that, thank you.

On **POINT OF ORDER**, Representative **ESPLING** of New Gloucester objected to the comments of Representative **CARDONE** of Bangor because she was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair will remind all members not to question the motivations of other members in this chamber. The member may proceed.

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

Representative **CARDONE**: To the extent, Madam Speaker, that this bill proposes to articulate parental rights and responsibilities, it does nothing to augment current law. If it does anything, it's actually unconstitutional, and I would encourage all members of this body to support the Majority Ought Not to Pass motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I think the statements that we've heard before, previously, underline why we should do this. We should not leave anything to the vagaries of a future court. We should codify this in statute. Thank you.

The SPEAKER PRO TEM: 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. 281

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, 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 - Frey, Pierce J, Sylvester.

Yes, 78; No, 69; Absent, 3; Excused, 1.

78 having voted in the affirmative and 69 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

An Act To Provide Support for Sustainable Economic Development in Rural Maine (EMERGENCY)

(H.P. 1017) (L.D. 1478)
(C. "A" H-391)

TABLED - June 7, 2017 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 9 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Remove the Limit on the Number of Public Charter Schools That May Be Approved"

(S.P. 379) (L.D. 1158)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)** on same Bill.

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle

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

READ.

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER PRO TEM**: 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. 282

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Gillway, Golden,

Grant, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Parry, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler.

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

ABSENT - Frey, Grohman, Pierce J, Sylvester, Winsor, Madam Speaker.

Yes, 84; No, 60; Absent, 6; Excused, 1.

84 having voted in the affirmative and 60 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

SENATE PAPERS

Bill "An Act To Ensure Maine Is in Compliance with Certain Federal Drug Laws"

(S.P. 588) (L.D. 1637)

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.

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Increase Consumer Prescription Drug Protections"

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

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:
Representative:
JOHANSEN of Monticello

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**.

READ.

On motion of Representative MOONEN of Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **JUDICIARY** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Tax Political Expenditures Made Immediately before an Election" (S.P. 437) (L.D. 1285)

Signed:
Senators:
DOW of Lincoln
CUSHING of Penobscot

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-218)** on same Bill.

Signed:
Senator:
CHENETTE of York

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

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the 24-hour Reporting Requirement under the Election Laws" (S.P. 340) (L.D. 1033)

Signed:
Senator:
CARPENTER of Aroostook

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-213)** on same Bill.

Signed:
Senators:
MASON of Androscoggin
COLLINS of York

Representatives:
DILLINGHAM of Oxford
FARRIN of Norridgewock
WHITE of Washburn

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213)**.

READ.

On motion of Representative LUCHINI of Ellsworth, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

ENACTORS

Acts

An Act To Prohibit the Creation of a Firearms Owner Registry (H.P. 10) (L.D. 9) (C. "A" H-87)

An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals (H.P. 138) (L.D. 182) (C. "A" H-215)

An Act To Extend the Veteran Property Tax Exemption to Veterans Who Have Served on Active Duty (H.P. 222) (L.D. 289) (C. "A" H-232)

An Act To Provide MaineCare Coverage for Chiropractic Treatment (S.P. 94) (L.D. 320) (C. "A" S-199)

An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure (S.P. 133) (L.D. 406) (C. "A" S-177)

An Act To Protect Earned Pay (H.P. 405) (L.D. 563) (C. "A" H-72)

An Act To Protect Students from Identity Theft (H.P. 469) (L.D. 678) (C. "A" H-409)

An Act To Clarify the Laws Governing Hunting from a Vehicle (H.P. 484) (L.D. 693) (C. "A" H-349)

An Act To Support the Trades through a Tax Credit for Apprenticeship Programs (H.P. 561) (L.D. 781) (C. "A" H-416)

An Act To Improve Voter Access to Information Regarding Referendum Questions on the Ballot (H.P. 575) (L.D. 795) (C. "A" H-404)

An Act To Require Disclosures Relating to the Sale of Residential Property Accessible by a Public Way and Any Means Other than a Public Way

(H.P. 620) (L.D. 871)
(C. "A" H-414)

An Act To Maintain the Current Number of Appointees to the Maine Arts Commission

(H.P. 697) (L.D. 996)

An Act To Clarify Laws Regarding Maine's Community Colleges

(S.P. 355) (L.D. 1073)
(C. "A" S-194)

An Act To Reduce the License Fee for High-stakes Beano

(H.P. 755) (L.D. 1077)
(C. "A" H-366)

An Act Regarding the Maternal and Infant Death Review Panel

(S.P. 366) (L.D. 1112)
(C. "A" S-189)

An Act To Amend the Campaign Reports and Finances Law and the Maine Clean Election Act

(H.P. 786) (L.D. 1122)
(C. "A" H-367)

An Act To Amend the Definition of "Eligible Business Equipment" for the Purposes of the Business Equipment Tax Exemption Program

(S.P. 406) (L.D. 1212)
(C. "A" S-180)

An Act To Encourage Family-friendly Businesses through a Tax Credit for Child Care

(H.P. 914) (L.D. 1317)
(C. "A" H-234)

An Act To Amend the Direct Initiative Signature Gathering Process

(H.P. 917) (L.D. 1323)
(C. "A" H-405)

An Act To Create Veteran-friendly Workplaces

(H.P. 996) (L.D. 1441)
(C. "A" H-369)

An Act To Amend the Usage and Consumer Protections of Guaranteed Asset Protection Waivers

(S.P. 531) (L.D. 1506)
(S. "A" S-154 to C. "A" S-142)

An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program

(S.P. 561) (L.D. 1597)
(C. "A" S-183)

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

Resolves

Resolve, To Direct Legislative Staff To Recodify and Revise Title 28-A of the Maine Revised Statutes

(S.P. 313) (L.D. 957)
(C. "A" S-192)

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

An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purposes of Providing Information to the Public

(H.P. 130) (L.D. 174)
(C. "A" H-374)

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

On motion of Representative TIMBERLAKE of Turner, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

Representative **GERRISH**: Thank you, Madam Speaker. I request unanimous consent to address the House on the record.

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

Representative **GERRISH**: Thank you, Madam Speaker. Men and Women of the House, in reference to Roll Call No. 269V on LD 820, had I been present I would have voted yea. Thank you.

The SPEAKER PRO TEM: The record shall so reflect.

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

On motion of Representative BATTLE of South Portland, the House adjourned at 1:31 p.m., until 9:30 a.m., Friday, June 9, 2017, in honor and lasting tribute to Fryeburg Police Officer Nathan Desjardins.