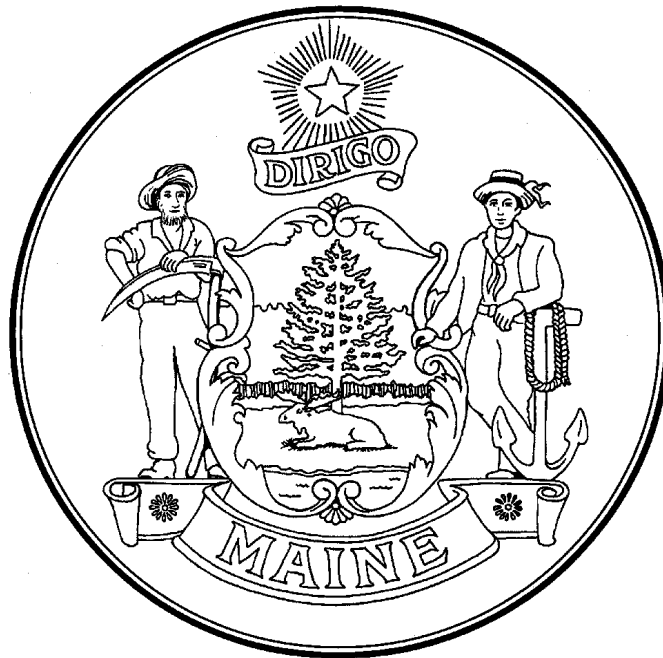


MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
60th Legislative Day
Wednesday, June 21, 2017

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

Prayer by Pastor Stan Griffin, Cornerstone Baptist Church of Exeter.

National Anthem by Emma Dearborn, Corinth.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Improve General Assistance Reimbursements"

(S.P. 363) (L.D. 1109)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-273)** in the House on June 20, 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 **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **RECEDE**.

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

Non-Concurrent Matter

Bill "An Act Concerning Private Personal Information of Public Employees and Licensed Individuals"

(H.P. 1126) (L.D. 1633)

Unanimous **REFER TO THE COMMITTEE ON JUDICIARY pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G** Report of the Committee on **JUDICIARY READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on June 20, 2017.

Came from the Senate with the Unanimous **REFER TO THE COMMITTEE ON JUDICIARY pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Restrict Cash Access for Electronic Benefit Transfer Cards"

(H.P. 201) (L.D. 268)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-479) in NON-CONCURRENCE.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits"

(H.P. 1111) (L.D. 1615)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-476) in NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services"

(S.P. 225) (L.D. 663)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280) in NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Require That Maine Welfare Benefits Be Used in Maine"

(S.P. 286) (L.D. 886)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247) in NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

(H.P. 241) (L.D. 327)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on June 9, 2017.

Came from the Senate with the Minority (5) **OUGHT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (S.C. 532)

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

June 16, 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 1462, "Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State."

This resolve proposes a pilot project whereby the Department of Public Safety would be forced to authorize "approved emergency medical services training centers" that would then offer a "community medical responder apprenticeship pilot project." The Department of Public Safety must also report to the Legislature by January 15, 2019.

I believe the proponents also must assume that the State does not provide any training pipeline for those who are interested in becoming emergency medical technicians. This assumption is, however, totally incorrect.

In fact, Maine EMS, within the Department of Public Safety, oversees seven EMS training centers that are located in different regions of the state. Passing a resolve to establish a competing EMS program just does not make sense.

Because the Department of Public Safety is already doing what this bill proposes, I cannot support LD 1462.

For this reason, I return LD 1462 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 Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State

(S.P. 508) (L.D. 1462)

(C. "A" S-159)

In Senate, June 19, 2017, this Resolve, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to

vote on the question: 'Shall this Resolve become a law notwithstanding the objections of the Governor?'

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

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

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

ROLL CALL NO. 362V

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

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

ABSENT - Battle, Blume, Devin, Golden, Grignon, Harvell, Nadeau, Skolfield, Tipping.

Yes, 89; No, 53; Absent, 9; Excused, 0.

89 having voted in the affirmative and 53 voted in the negative, with 9 being absent, and accordingly the Veto was **SUSTAINED**.

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

The Following Communication: (S.C. 533)

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

June 19, 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 809, "An Act to Address Student Hunger with a 'Breakfast after the Bell' Program."

When the State requires a local district to do something and doesn't provide funding, it is an unfunded mandate, pure and

simple. If the program is worth doing, the legislature needs to appropriate funding for the program. Imposing layer upon layer of unfunded mandates for our schools contributes to the ballooning local costs of our education system and places more of a burden on property tax payers.

I cannot support a new, unfunded mandate, no matter the worthiness of the cause. Therefore, I return LD 809 unsigned and vetoed. I 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 Address Student Hunger with a "Breakfast after the Bell" Program

(S.P. 254) (L.D. 809)
(C. "A" S-163)

In Senate, June 20, 2017, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

34 voted in favor and 1 against, and 34 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.

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

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

ROLL CALL NO. 363V

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

NAY - Austin S, Black, Bradstreet, Campbell, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Guerin, Hanington, Hanley, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Battle, Devin, Grignon, Harvell, Nadeau, Tipping.

Yes, 90; No, 55; Absent, 6; Excused, 0.

90 having voted in the affirmative and 55 voted in the negative, with 6 being absent, and accordingly the Veto was **SUSTAINED**.

The following item was taken up out of order by unanimous consent:

The Following Communication: (H.C. 263)

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

June 20, 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 L.D. 256 "An Act to Ensure Continued Availability of High-Speed Broadband Internet at Maine's Schools and Libraries."

This bill modifies the funding mechanism for the Maine Telecommunications Education Access Fund (MTEAF) used to support the Maine School and Library Network (MSLN). Currently, this program is funded through a fixed percentage assessment applied to voice-related communication service revenues. Because data-related communication revenues are replacing voice-related communication revenues, the funding available under the existing structure is decreasing. The proposed bill seeks to prop up the funding by changing to a per-line funding structure. While I support the concept of schools and libraries being joined together to achieve bulk-purchasing power to decrease the cost of providing broadband internet solutions, I cannot support the funding mechanism advanced in this bill.

The MSLN was originally developed in the mid-1990s as a result of a Public Utilities Commission rate case decision against Bell Atlantic (Maine's largest local telephone company at the time). The Commission required Bell Atlantic to provide \$20 million toward the deployment of internet services to all Maine schools and libraries. A few years later, in 1999, the legislature created the MTEAF to continue the funding and further promote internet services at Maine's schools and libraries. However, the internet is no longer a fledgling enterprise. The original purpose of the MSLN has been served – 99% of Maine's schools have internet service at a speed of at least 100 kilobytes per student. The internet is now a mature industry and should be funded in the same manner that all of the other normal costs of schools and libraries are funded.

I have long opposed fees that hide true cost of services and pass along the burden to ratepayers who have no say in paying an increased fee that funds an initiative unrelated to the service they are purchasing. While I also disfavor the existing statutory funding structure, at least it will allow a gradual transition to more local responsibility for the costs, thereby incentivizing our schools and libraries to explore services and funding based on the individual needs and characteristics of the communities they serve.

For these reasons, I return L.D. 256 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries

(H.P. 189) (L.D. 256)
(C. "A" H-189)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. My understanding of LD 256 is, in regards to funding of libraries, which we all hold near and dear to our hearts, is that this bill is a change in the funding source and my understanding is it essentially takes a rate, and I think it's 28 cents per line, and drops it down to 21, but extends it to all cell phones and not just landlines. And so, while there's actually a drop in the rate, it actually spreads the cost over more people, to the extent that it adds everybody that owns a cell phone to this for the funding of this particular purpose. I also understand that, if we sustain the Chief Executive's veto, that the current funding source will remain in place and the status quo will remain in terms of that funding; and I think, given the fact that adding a new fee onto all cell phone users, in this particular regard, I don't support. I will be voting to sustain the Chief Executive's veto, maintain the current funding sources that exist for libraries, and I ask that you follow my light.

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

Representative **GROHMAN**: Thank you, Madam Speaker. I thank the good Representative from Newport, Representative Fredette, for his comments. I think it's correct. We're not debating whether the program exists here. This program brings internet to 950 schools and libraries all over the state, most of them are rural, and internet at schools and libraries is not optional, fortunately, and so this program is in statute. There's not a third button on your desk that repeals it. If we do not override this veto right now, that fee that the good Representative mentioned, that 28 cents a month per line, per landline, we'll come back here in two years and take another whack at that thing; it could be 45 cents a month by then. That's a lot. It's going up. That's why I put this bill in in the first place. If we don't enact this new compromise that shifts some of the cost over to cell phones, which are increasing in number, and big users of school and library internet, we leave it back here, we leave it how it is, we come back here with something different; maybe we will, maybe we won't. But right now our choice is to bring in this new program, this new compromise we all worked on so hard for almost the entire session. We actually got Verizon, AT&T, and FairPoint to agree on something. That's a special day, trust me. Every telecom in the state supports this. In the meantime, every time a landline drops, the fee on the remaining ones goes up. You know who has landlines; seniors on fixed incomes, veterans. If we enact this, every time there's a new cell phone, which is frequently, and cell phones hook to Wi-Fi like the Maine School and Library Network frequently. Every time there's a new cell phone, the fee for everybody goes down. We're looking at a fee on cell phones of about 7 cents a month. We've got this for a program funded under this legislation in a good way that everybody hates just a little bit. I urge you, Madam Speaker and colleagues, let's get this done.

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

Representative **COOPER**: Thank you, Madam Speaker. There's no question that this program is a great success. Our libraries throughout the state use it, our schools throughout the state use it and are absolutely dependent upon it, and there's no question, I think everybody knows of many families and individuals who have dropped landline service in favor of just keeping cell phone service. So the pool of money available for the program is shrinking and is already inadequate. The only question is, do we want to keep this program alive in a fair way, and through an agency that has the capacity to administer it well? So if you are concerned about the libraries and schools in your district, as I'm sure you are, you will vote to override this veto. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker. The Maine State Library Network, we all need to remember, is a consortium consisting of the Maine Department of Education, the Maine State Library, the State of Maine, our own Office of Information and Technology, that we're utilizing in this room, and the University of Maine System. In this day and age, and always, we're looking for ways to collaborate to achieve efficiencies. This is one that is working. What has shifted is the technology and how we use telephones, and so the fee that was applied has now shifted. I haven't done the mathematics on it, I assume the Committee has done that, and somewhere that thing will settle out. Maine State Library Network, 40% of the cost comes from those telephone surcharges, telecommunications surcharges. 60% of the cost comes from federal E-rate. So, in order to leverage those federal E-rate funds and pull this whole thing together, it's essential that we consider positive action on this bill in order to be able to maintain the level of subsidy. It's particularly important in rural Maine, because at the current level, as the subsidy from landlines has dropped, they've had to pass on charges to the schools. Some of the schools in areas where competition is available for high-speed, robust broadband services, they'll be able to say, "We don't want to play anymore in the Maine State Library Network, we're going to contract with somebody locally." The vast majority of the State of Maine will not have the ability to do that. So, fees will increase because they won't have a choice, because the government, either at this level or the federal level, has told those schools that they must do online testing. Online testing takes up far too many days of the year, but the days that it does, it requires a great deal of broadband connectivity in order to do that. All of the iCloud services that we used to make educational content available requires that robust network. We constantly hear how rural Maine should utilize technology to cut down perhaps on, maybe you have a teacher in one town and a teacher in another town and only five kids in each class. It's going to be very difficult to do that; it'll be impossible to do that without the technology. So I would urge you to give strong consideration to passage of LD 256. Thanks.

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This sounds like it's all that and a bag of chips. And you know what? It is; but not the way that this is financed. Every time I turn around I look at each one of my bills, and each time I look at that bill there's another new charge. I really wanted to see this go, to come right out of the General Fund to fund this. As we speak today, we spend millions upon millions upon millions of dollars in our public school system. This should either be funded straight

from there or it should go to the General Fund. This should not be financed on other communications bills of all the people. If it's that important, it should be funded in the General Fund. Again, every time I turn around we're adding new taxes and new fees, and these are hidden, and people look at me and say, "Beth, how come this bill keeps going up?" And I say, "We did it; hidden taxes and fees." Thank you, Madam Speaker.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I am opposed to this new fee increase, and I'll tell you why. I have a landline, so my -- if this proposal passes, if we don't sustain the veto, my tax on that landline will go from 28 cents to 21, but my overall tax, because we have two cell phones, will go to 63 cents. It's a hidden fee, and as has been said already, if this is an important program, and I believe it probably is, then we should fund it honestly, above the table, and stop hiding it. My phone bill has \$14 and some-odd cents worth of hidden taxes and fees now, and now my cell phone bill has that same issue. I ask you to follow my light. Thank you. rule

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, I appreciate the remarks just now of the good Representative from Pittston, with whom it's been a pleasure to serve on the Committee. I think the reason that AARP, in particular, was in favor of this bill was that there are many seniors and others on fixed incomes who have only one phone, and for many it is a cell phone and for those individuals there is currently no requirement to chip in for this important public need. In contrast, others are paying more than they would be under this amended language. The bill was supported by 21, roughly 20 different organizations and individuals. They included the Association of Technology Educators of Maine, the Maine Library Association, the AARP as mentioned, the Maine Farm Bureau, the Maine School Management Association, and a number of individual libraries and school districts in Maine. As amended, with the support of the entire telecommunications community, there was no organizational opposition, and the new mechanism allows for fairness, it allows for stability, it actually caps the assessment that is required at a lower amount. And so, Madam Speaker, I hope that we can join together in voting green today, and I further ask that the Clerk read the Committee Report.

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

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

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

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Having served on the Energy Committee in the previous Legislature, I certainly understand the issue here at hand. The override for us today is about whether we override the Chief Executive's veto and support this funding mechanism. While I also think there's a valid point about should this be considered in funding of our schools or a direct appropriation here from the Legislature, those options are not before you today. There's only one option before you today: do we support this to provide some stability to the Maine School Libraries Network? I happen to be on the Board of Trustees of Foxcroft Academy, and we're a distinguished Apple school. Technology is essential, and the

curtailment of services there will probably lead us to rethink exactly how we use technology in the future. I don't think we want our schools thinking about how to limit technology in the future. I think we want our schools to think about how to expand access to our students, regardless of where they live. So I would encourage you to support the override of the Chief Executive's veto. Thank you.

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

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

ROLL CALL NO. 364V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Bradstreet, Brooks, Bryant, Cardone, Casas, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Grant, Grohman, Guerin, Hamann, Handy, Hanington, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sherman, Skolfield, Spear, Stanley, Stearns, Stewart, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, Wood, Zeigler, Madam Speaker.

NAY - Black, Campbell, Cebra, Craig, Espling, Farrin, Fredette, Haggan, Hanley, Johansen, Kinney J, Lockman, Lyford, Mason, O'Connor, Ordway, Parry, Reed, Sampson, Sanderson, Simmons, Sirocki, Stetkis, Strom, Theriault, Timberlake, Turner, Wallace, White, Winsor.

ABSENT - Battle, Blume, Devin, Golden, Grignon, Harvell, Nadeau, Tipping.

Yes, 113; No, 30; Absent, 8; Excused, 0.

113 having voted in the affirmative and 30 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 264)

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

June 20, 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 633, "An Act To Amend Teacher Evaluation Requirement."

I do not agree that measures of teacher effectiveness do not need to include student growth. While other measures of teacher effectiveness are certainly important, whether students grew and learned seems fundamental.

During the 127th Legislature, the Education and Cultural Affairs Committee made a firm commitment not to change the rules in the middle of the game. This bill does that. It seems that this bill would require every district in the state to revisit and revise their teacher evaluation plans, many of which are just ending their pilot phase.

This bill requires new rulemaking—without providing funding to the Department to write those rules—and it will require districts to collect data on student growth. This not only triggers privacy concerns, but it also promotes a system for collecting inconsistent measures across school districts that cannot be compared to determine whether an individual teacher, school or district is performing effectively.

The fact that this bill does nothing to alleviate administrative burden (and may actually increase administrative time and expense) only adds insult to injury.

In sum, this bill raises questions about the legislature's commitment to ensuring that every Maine student has access to a high quality educator. For these reasons, I return LD 633 to you unsigned and vetoed. I urge you to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Amend Teacher Evaluation Requirements

(H.P. 449) (L.D. 633)
(C. "A" H-197)

The SPEAKER: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you very much, Madam Speaker. This was my bill. It's a very important bill. It's a bill that... it's perfect timing for right now. It's a nonpartisan bill, it truly is, okay? It's one that we can all get behind and feel good about it, because we're going to be doing a good thing, I believe. Back, a little bit of history, I'll be brief as I can. Back when No Child Left Behind was first proposed, some eight or ten years ago, there was a part of that that required the states to put student performance as part of teacher evaluation. Since then, with the advent of ESSA, that requirement has been taken back. The state no longer needs to keep that in there. It's a local option thing. If districts already have a plan made and they choose to keep that 20% in, good for them. But there is an option here, okay? LD 633 originally simply proposed to allow those districts to replace that 20% with some other valid method of evaluating teachers and staff. When we worked this bill in the Education Committee, the good Representative Ginzler added an amendment to it that I believe doubled the strength of this bill. It was a great amendment. It simply said that that 20% could be replaced with, what a great thing for teachers, using student performance to inform their instruction. It's something that every teacher should and could do, okay? So I'm totally in favor of this override. It was passed in the House 138 to six the first time around and 33 to one in the other body the first time around. I would like to point out in the Chief Executive's --

The SPEAKER: The member will defer. During the course of debate, one cannot mention the other body during the course of debate or the actions of the other body. The member may proceed.

The Chair advised Representative McCREA of Fort Fairfield that it is inappropriate to refer to the potential action of the other body in order to influence the vote of the House.

Representative **McCREA**: My apologies. The Chief Executive's veto letter states, "It seems that this bill would require every district in the state to revisit and revise their teacher evaluation plans, many of which are just ending their pilot phase." That is not completely accurate. It is not required that they revisit and redo, it is totally at the option of each school district. So I thank you for your time, and I would appreciate voting to override.

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

Representative **GINZLER**: Thank you, Madam Speaker. Madam Speaker, I'm standing in strong support of LD 633 and object -- well, let's see, and I will be overriding the Chief Executive's veto for that reason. But I wanted to share with you what I shared with the Committee when this bill first came up, and that is, I reached back into my memory and my experience as being a teacher, albeit many years ago, and I put myself back in that position and I looked at teacher evaluation, and I determined that I certainly would not have liked to have been graded on a numerical grade of a group of students. However, I would have loved the data, which in those days I wouldn't have had, but now we do. Now we do have the data. We have the data from a variety of testing and assessments, and if you have that data, you really can make terrific adjustments to your teaching plans, to your lesson plans, and you can redirect efforts into areas of weakness. The data is what's important here; it's not necessarily the grade. However, I also want to say that we are in the process, as a matter of fact, we have commissioned MEPRI to audit the whole landscape of testing, because we have some serious reservations about testing today. And so, in combination with that, again, I strongly support LD 633. Thank you.

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

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

ROLL CALL NO. 365V

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

NAY - Hanley, Johansen, Lockman, Mason, O'Connor, Reed, Sanderson, Sirocki, Sutton, Timberlake, Turner, Winsor.

ABSENT - Battle, Blume, Devin, Golden, Grignon, Harvell, Nadeau, Tipping.

Yes, 131; No, 12; Absent, 8; Excused, 0.
131 having voted in the affirmative and 12 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 265)

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

June 20, 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 737, "An Act To Allow Public Schools to Reserve Funds Designated for Operating Costs."

This bill seeks to create a slush fund for superintendents, enabling them to withhold our education funds from where they are most needed: in the classroom. As mayor of Waterville, I saw firsthand that superintendents know where to stash money for their pet projects, and this bill seeks to create a new hiding place to shield their spending from public awareness and scrutiny.

This bill is even being brought forward during a session where the constant refrain from the education special interests is that we are underfunding our schools. How is it simultaneously possible that our schools are "underfunded" for their operating purposes, but the superintendents have more than 3% of operating funds left over that they must carry forward? Something in this equation does not add up, and I will not be party to perpetuating such action.

If a community is withholding more than 3% of their operating expenses from their students, then I believe those excess funds should be returned to the taxpayer to lower property taxes.

Finally, I do not understand why this bill only targets expanded statutory only for school districts organized as SADs under 20-A MRSA §1312. I do not favor granting this for the four school administrative units that are SADs, but not for the majority of districts. On its face, that seems like bad policy.

For these reasons, I return LD 737 unsigned and vetoed. I urge the Legislature to join me in asking superintendents to stop playing games and put our education funds into the classroom by sustaining it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Allow Public Schools To Reserve Funds Designated for Operating Costs

(H.P. 517) (L.D. 737)
(C. "A" H-371)

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

Representative **FREDETTE**: Thank you. Ladies and Gentlemen of the House, this is a bill that we had obviously previously discussed during this session where we took a Roll Call. I would simply ask that if you had an opportunity to look at the bill, the letter from the Chief Executive, and maintain your consideration of the Chief Executive's comments in

regards to your prior vote. I'd ask that you follow my light and sustain the veto. Thank you.

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

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I agree with the Chief Executive on this veto message, but also, we talk constantly in the chamber here about property tax. I don't know, for me, I think if there's extra money, it should be going back to the property taxpayers and not kept in a separate slush fund. Thank you.

The SPEAKER: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker. Just to clarify a couple things about this bill. School systems are currently allowed to set aside designated reserves for capital improvement projects. For instance, you know that the roof of your school building is eventually going to need to be replaced. So rather than pass that bill onto the taxpayers in one lump sum later on down the road, by floating a bond for it or just adding it to your local tax assessments in a given year, if there is money remaining in some of your accounts and the local voters approve, only with the local voters' approval, you can put that money into a reserve for capital improvements. Then the money must be approved by the local voters in order to be expended, so there is nothing in there about pet projects or hoarding money or anything of the like. It's all done locally. It's a good way to do business. It's the way that I believe we are trying to do business at the state level, by making sure that our rainy day reserves are built up, and I don't believe they're up as far as they should be, because that's a good way to even the rough waters as you move forward. This would simply allow school systems to do the same thing for operating costs. Many, many of our school systems would never, ever, in the foreseeable future, be able to take advantage of this mechanism; some would. And those that would, I believe it's a good tool for them to have. Again, the money going in has to be approved for that specific purpose by the local voters and it has to be approved to be expended. Thanks.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. Two issues that I would simply raise is -- and I agree with the good Representative from Greenville, Representative Stearns, in regards to local voters; however, the issue is, how many people actually show up to those meetings and those votes, and I know we can't control that but oftentimes... that's oftentimes the fundamental issue; and I would also request at this time that the Clerk read the Committee Report in regards to this sustaining of this veto. Thank you.

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

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

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

Representative **PERRY**: Thank you, Madam Speaker. I have a question that I would like to ask through the Chair.

The SPEAKER: The Representative may proceed.

Representative **PERRY**: For the operating costs, does that ease the burden of having to borrow for anticipated revenue when you can't -- when things are slow coming in and you can't make it without borrowing, and that saves that expense?

The SPEAKER: The Representative from Calais has posed a question through the Chair, if there is anyone that is able to answer. The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: The answer to that is yes; however, it does need to be understood that the cost of going out to getting those revenue anticipation notes is far less than what it was in the past, but it would help a school system -- the savings would be much less than it used to be when there are high interest rates, but there would be some savings.

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

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

ROLL CALL NO. 366V

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

NAY - Austin S, Black, Bradstreet, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Malaby, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, White, Winsor, Wood.

ABSENT - Battle, Blume, Campbell, Devin, Golden, Grignon, Harvell, Tipping.

Yes, 89; No, 54; Absent, 8; Excused, 0.

89 having voted in the affirmative and 54 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 266)

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

1 STATE HOUSE STATION MAINE 04333-0001

June 20, 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 Maine, I am hereby vetoing LD 1378, "An Act To Create the Maine Family First Employer Award."

This bill requires the State Workforce Board (SWB) to create a new award program, the "Maine Family First Employer."

Businesses would submit an application to be reviewed by the SWB or its designee. The criteria "may include" flexible work schedules, leave and vacation policies, workplace accommodations, flexible benefit packages, job-sharing, child care options and any policy that promotes the hiring or retention of working parents.

The State Workforce Board already awards the Silver Collar Award for employers who value their older workers, and it requires no statute to do so. Such award programs as proposed in this bill have no need to be enacted in statute.

While this bill mandates the award, the bill only suggests possible criteria using the term "may include." Simply put, this statute creates the title of an award and leaves it to the SWB to actually create the substance of the award. If the SWB can pick and choose criteria for the award, why do we need a statute?

This is a feel-good bill that does nothing but create a name for the award and require that the award by this name be given annually to any employer that meets the "to be determined" criteria. There are further complications: the criteria could change over time, rendering the award meaningless, or the employer could be found in violation of the labor laws governing the criteria. Can an employer lose their "family first" designation for violating labor laws?

Supporters of the bill believe that such an award would showcase Maine employers as being good places to work and help attract workers to our state. There are already nationally recognized awards in the private sector that do that. What will attract workers to Maine over other states is a wider variety of jobs with thriving employers and more money in workers' wallets. We can achieve both of these objectives through lower taxes and lower energy costs, priorities of my Administration, but not of the Democrats in the Legislature.

Rather than sitting around thinking of catchy names for awards, we should be focusing on legislation that will address our workforce shortage and make a real difference for the hard-working people of Maine.

For this reason I am returning LD 1378 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item Resolve, Directing the State Workforce Investment Board To Create the Maine Family First Employer Program

(H.P. 957) (L.D. 1378)

(C. "A" H-390)

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Madam Speaker, Women and Men of the House, most of the bills I'm sponsoring this session deal with one basic question: how do we keep more families living and working in Maine? It's why I ran for office in the first place. One solution is attracting young parents and their growing families to move to Maine and stay here, by making sure that there are family-friendly jobs waiting for them. As the Chief Executive indicates, there are many obstacles to keeping young families in Maine and attracting them. We should be doing every single thing we can and not saying no to anything, really. LD 1378 incentivizes and celebrates businesses that operate with family-friendly policies. This bill was amended by the Committee and it produced a unanimous report. This bill incentivizes businesses to operate with family-friendly policies by requiring the State Workforce Board to create and

administer the Maine Family First Employer Program to officially recognize businesses whose policies and practices address the unique needs of working families in this state. This bill is more than just a "catchy name" for an award, as the Executive states in his veto letter. It is a goalpost that we can establish in statute to clearly state our priorities when it comes to jobs and our working families. This is not a new idea. The board already runs a Silver Collar Award to reward aging-friendly businesses, and a Safety First Award to recognize safe business environments. Why can't we do the same thing for family-friendly businesses? This is about economic development, attracting young families to Maine, and rewarding businesses for their efforts to do just that. Maine is one of the best places in this country to raise a family. We all know that. It's time we were known for supporting working families and the businesses that have their backs. LD 1378 is a step towards strengthening Maine's brand, our workforce, and the businesses that operate here. I would urge members of this chamber to override the Chief Executive's veto. Thank you.

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

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

ROLL CALL NO. 367V

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

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

ABSENT - Battle, Blume, Campbell, Devin, Golden, Grignon, Harvell, Tipping.

Yes, 76; No, 67; Absent, 8; Excused, 0.

76 having voted in the affirmative and 67 voted in the negative, with 8 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 267)

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

June 20, 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 1540, "An Act To Protect Consumers' Freedom of Choice in Auto Collision Repairs."

LD 1540 appears to be a solution in search of a problem. If auto insurance companies were truly steering business toward specific collision repair businesses, this may be a discussion worth having. But over the course of the last nine years, Maine's insurance bureau has only received six consumer complaints regarding this issue; two of those complaints were that insurers did not direct insureds to shops participating in the insurer's networks.

Additionally, the Superintendent of Insurance conducted a study of the seven largest auto insurance carriers in Maine and did not identify any instances of steering.

This bill micromanages Maine businesses and creates more unnecessary regulations for Maine's auto insurance industry.

For this reason, I return LD 1540 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Protect Consumers' Freedom of Choice in Auto Collision Repairs

(H.P. 1061) (L.D. 1540)

(C. "A" H-278)

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

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I spoke on this bill in detail on our previous floor debate on this bill, and this body voted in a bipartisan fashion to support this bill. I'm not going to rehash all the details of that and go through this again. I just hope that the body gives their strong consideration, and override this veto. Thank you.

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

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

ROLL CALL NO. 368V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Black, Brooks, Bryant, Cardone, Casas, Cebra, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Frey, Fuller, Gattine, Grant, Grohman, Haggan, Hamann, Handy, Hanington, Harlow, Harrington, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno,

Monaghan, Moonen, Nadeau, O'Connor, O'eil, Ordway, Parker, Parry, Perry, Pickett, Pierce T, Prescott, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tucker, Tuell, Wadsworth, Ward, Warren, Winsor, Zeigler, Madam Speaker.

(H.P. 1118) (L.D. 1619)
(C. "A" H-397)

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Madam Speaker, Men and Women of the House. As I said yesterday, we have a drug problem in this state. What this bill seeks to do is help us get on top of data collection by asking -- mandating our methadone clinics ask, not require, but ask the patients there for consent to upload their information into the Prescription Monitoring Program. This information will only be available -- only available to either a physician that they have specifically named and designated on that form, or the emergency room, in case of an emergency. With so many people across our state accessing drug treatment programs right now, I think it's vital that the emergency room have access into knowing whether or not people who go in to the hospitals have a drug addiction problem, an opioid problem. That could certainly help them in prescribing at the emergency room level, so I hope you will vote to override this veto from the Chief Executive with me. It's a very important bill, and it's one that the Health and Human Services Committee worked really hard on and came to a really good agreement on. It really threads the needle between federal objections and privacy laws, and takes us as far as we can possibly go at this point, and so it's very important. So, thank you, I hope you will vote to override. Thanks.

NAY - Austin S, Bickford, Bradstreet, Chace, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Hanley, Hawke, Head, Herrick, Hilliard, Johansen, Kinney M, Lockman, Lyford, Malaby, Marean, McElwee, Perkins, Picchiotti, Pierce J, Pouliot, Reed, Sampson, Sanderson, Stetkis, Stewart, Strom, Timberlake, Turner, Vachon, Wallace, White, Wood.

ABSENT - Battle, Blume, Campbell, Devin, Golden, Grignon, Harvell, Tipping.

Yes, 102; No, 41; Absent, 8; Excused, 0.
102 having voted in the affirmative and 41 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

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

ROLL CALL NO. 369V

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

NAY - NONE.

ABSENT - Battle, Blume, Campbell, Devin, Golden, Grignon, Harvell, Tipping.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 269)

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

June 20, 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 1619, "An Act To Report Limited Information to the Controlled Substances Prescription Monitoring Program Concerning Methadone."

I appreciate the thought behind this bill and would encourage the Legislature to continue to think about ways they can create transparency and increase the quality of Methadone treatment. Unfortunately, this bill is useless. We can already seek consent of the participants in a methadone treatment program to share their information with the Prescription Monitoring Program.

If we are truly serious about addressing the shortfalls of our methadone treatment program, we need to identify ways to ensure the program is integrated into a person's overall health and to make sure they are receiving the comprehensive counseling they need. We also need to continue to appeal to the Federal government to roll back their antiquated and overly restrictive regulations to allow us to manage our program.

Including transportation costs, we pay approximately \$12 million a year for Methadone treatment in Medicaid. This is a significant cost. I agree we need to continue to make improvements to the program, but this bill does not hit the mark.

For this reason, I return LD 1619 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Report Limited Information to the Controlled Substances Prescription Monitoring Program Concerning Methadone

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

The Following Communication: (H.C. 260)
SENATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT

June 20, 2017
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

In reference to the action of the Senate on June 19, 2017 in which it Insisted and Asked for a Committee of Conference on L.D. 209, "An Act To Amend the Laws Governing Temporary Sign Usage" (H.P. 165) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Ronald F. Collins of York
Senator Andre E. Cushing III of Penobscot
Senator James F. Dill of Penobscot
Please contact my office if you have any questions regarding these appointments.
Sincerely,
S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 535)
MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY

June 20, 2017
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333
Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Judiciary, the Honorable Thomas E. Delahanty II of Falmouth for appointment as an Active Retired Justice of the Superior Court.
Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 537)
MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY

June 20, 2017
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act To Establish the Let's Grow Maine Program" (H.P. 1066) (L.D. 1548), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

REPORTS OF COMMITTEE
Ought to Pass as Amended

Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

(S.P. 532) (L.D. 1507)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-188).**

Came from the Senate with the Report **READ** and the Bill and accompanying papers were **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in concurrence.

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-276)** on Bill "An Act Regarding Solar Power for Farms and Businesses"

(S.P. 529) (L.D. 1504)

Signed:

Senators:

WOODSOME of York
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-277)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
WADSWORTH of Hiram

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-276) AS AMENDED BY SENATE AMENDMENT "A" (S-293)** thereto.

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report** and later today assigned.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-284)** on Bill "An Act To Require Permits for Wildlife in Captivity and Notification of the Escape of Exotic Wildlife in Captivity"

(S.P. 91) (L.D. 305)

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
THERIAULT of China

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

Signed:

Representatives:

HARLOW of Portland
MASON of Lisbon
WOOD of Greene

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 "B" (S-284)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "B" (S-284)** 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 "B" (S-284)** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-289)** on Bill "An Act To Protect Taxpayers in the Privatization of State Services"

(S.P. 407) (L.D. 1213)

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

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

Signed:

Senators:

DAVIS of Piscataquis
KEIM of Oxford

Representatives:

GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-289)** 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-289)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-285)** on Bill "An Act To Amend the Archives and Records Management Law"

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

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-286)** on same Bill.

Signed:

Senators:

DAVIS of Piscataquis
KEIM of Oxford

Representatives:

GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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-285)**.

READ.

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

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

The **SPEAKER**: 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. 370

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

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

ABSENT - Battle, Blume, Campbell, Devin, Grignon, Harvell, Tipping.

Yes, 76; No, 68; Absent, 7; Excused, 0.

76 having voted in the affirmative and 68 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-285)** 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-285)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Mining of Massive Sulfide Ore Deposits on State Lands"

(H.P. 117) (L.D. 159)

Signed:

Senators:

DAVIS of Piscataquis
DILL of Penobscot
SAVIELLO of Franklin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-528)** on same Bill.

Signed:

Representative:

ACKLEY of Monmouth

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws on the Conduct of Elections and To Establish a Nonpartisan Primary Election System for State and Federal Candidates"

(H.P. 764) (L.D. 1086)

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-527)** on same Bill.

Signed:

Representatives:

CASÁS of Rockport
HICKMAN of Winthrop
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 26) (L.D. 46) Bill "An Act To Provide Consistency among Medical Professionals with Regard to Jury Duty Exemption" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-46)**

(H.P. 1128) (L.D. 1635) Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-521)**

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

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

ENACTORS

Emergency Measure

Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services

(S.P. 590) (L.D. 1640)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Prohibit the Use of Handheld Phones and Devices While Driving

(S.P. 360) (L.D. 1089)

(C. "A" S-272)

An Act To Modernize the Renewable Portfolio Standard

(H.P. 810) (L.D. 1147)

(S. "A" S-290 to C. "A" H-272)

An Act To Provide a Definition of "Primary Residence" for Purposes of Property Tax Abatements Based on Hardship or Poverty

(S.P. 401) (L.D. 1180)

(S. "A" S-282)

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

Resolves

Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System

(S.P. 423) (L.D. 1260)

(S. "A" S-287 to C. "A" S-231)

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

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

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

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

UNFINISHED BUSINESS

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

An Act To Restore the Tip Credit to Maine's Minimum Wage Law (EMERGENCY)

(S.P. 235) (L.D. 673)

(C. "A" S-209)

- In House, **PASSED TO BE ENACTED** on June 15, 2017.

- In Senate, **FAILED OF PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

TABLED - June 20, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

Subsequently, on motion of Representative FREDETTE of Newport, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

SENATE PAPERS

The following Joint Order: (S.P. 595)

ORDERED, the House concurring, that, in accordance with emergency authority granted under the Maine Revised Statutes, Title 3, section 2, the First Regular Session of the 128th Legislature is extended for up to 5 legislative days.

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

READ.

Pursuant to 3 M.R.S.A., Section 2, this Joint Order required the affirmative vote of two-thirds of those present for **PASSAGE**. 111 having voted in the affirmative and 31 in the negative, 111 being more than two-thirds of the membership present, the Joint Order was **PASSED** in concurrence.

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

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.

Resolve, To Assess the Need for Mental Health Care Services for Veterans in Maine and To Establish a Pilot Program To Provide Case Management Services to Veterans for Mental Health Care

(H.P. 853) (L.D. 1231)
(C. "A" H-407)

TABLED - June 9, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **FINAL PASSAGE.**

On motion of Representative GOLDEN of Lewiston, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-407).**

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (H-407)** and later today assigned.

An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues (EMERGENCY)

(S.P. 512) (L.D. 1466)
(H. "A" H-514 to C. "A" S-186)

TABLED - June 16, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Ordered)

On motion of Representative HYMANSON of York, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-186) as Amended by House Amendment "A" (H-514)** thereto.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-186) as Amended by House Amendment "A" (H-514)** thereto was **ADOPTED.**

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION.**

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-514) to Committee Amendment "A" (S-186)** was **ADOPTED.**

On further motion of the same Representative, **House Amendment "A" (H-514) to Committee Amendment "A" (S-186)** was **INDEFINITELY POSTPONED.**

The same Representative **PRESENTED House Amendment "B" (H-529) to Committee Amendment "A" (S-186)**, which was **READ** by the Clerk.

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

Representative **HYMANSON**: Thank you. So, what was that all about? Well, we stripped the Emergency, and with it came the fiscal note because the Emergency changed the dates, so we had to change the dates, which means we had to strip the first amendment and put another amendment on with a new fiscal note. So now I wanted to just remind the body about this bill, because it's very important. It's a long-term care services payment for direct care workers. It comes with a... still a large fiscal note, but it is so worth it for our elderly grandparents, parents. The demand for long-care services remains consistent in Maine and the need for direct care workers will grow as our population ages. Between 2015 and 2025, Maine's age 65-84 population is expected to experience the most growth, while the young adult population, 18-34, is projected to decline. This scenario presents a huge challenge to long-term care staffing, as more people need the services but fewer people are available to provide them. So this is a bill that would help pay direct care workers more; more than pizza delivery people, more than other jobs that are not as hard, and I talked about this before. These are tough positions, and you want the best people to do these, so I ask for your support in LD 1466. Thank you.

Subsequently, **House Amendment "B" (H-529) to Committee Amendment "A" (S-186)** was **ADOPTED.**

Committee Amendment "A" (S-186) as Amended by House Amendment "B" (H-529) thereto was **ADOPTED.**

The Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-186) as Amended by House Amendment "B" (H-529)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE DIVIDED REPORT - Majority (8) Ought to Pass as Amended by Committee Amendment "A" (S-276) - Minority (5) Ought to Pass as Amended by Committee Amendment "B" (S-277) - Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act Regarding Solar Power for Farms and Businesses"

(S.P. 529) (L.D. 1504)

Which was **TABLED** by Representative BERRY of Bowdoinham pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, in his first inaugural address, Abraham Lincoln appealed to "the better angels of our nature." In doing so, he asked for compromise at a time when compromise was sorely needed. A time at which no one would win unless --

The SPEAKER: The member will defer. The House will be in order. Members will take their conversations outside the chamber if they need to have a conversation. The member may proceed.

Representative **BERRY**: Thank you, Madam Speaker. Unless the reasonable minds of compromise prevailed. So today, on this inaugural day of a beautiful Maine summer, I stand to appeal to the better angels of our nature and to ask you, all of us in this chamber, to vote for this compromise bill sponsored by the good Republican Senator from Wilton, and for a compromise amendment originally offered and authored

by two Republican House members of my Committee, for whom I have the greatest respect. Madam Speaker, the compromise amendment before us is not what my own bill on rooftop solar would contain. If it's possible to water down a solar bill, this amendment does that. But it is a reasonable and necessary step forwards to avoid a dramatic, unprecedented step backwards. It is better for Maine's ratepayers, for Maine's industrial community, for the ability of Maine farmers and towns and homeowners, and others, to control our energy costs; and for the creation of new, good-paying jobs here in our state. I believe that all of us here care about Maine ratepayers, from the tallest to the smallest ratepayers, from the elderly grandmother or grandfather on a fixed income to the Huhtamaki factory in Waterville, or the Sappi mill in Skowhegan. Maine's large industrial community is deeply affected by electricity costs. For them, a fraction of a cent's difference can make the difference between locating in China or Mexico, Maine or the nations of China or Mexico. That is why our large industrials support this Majority Report. They support this report because they understand the value of rooftop solar in keeping electricity costs lower for all of us. And Maine's large industrials understand that, at this time, the Majority Report is the only viable way to keep our costs and their costs down. I believe all of us here care about Maine farmers. I hope we will support the Maine Farm Bureau by voting today in favor of the pending motion. For farmers, for municipalities, for businesses, and for others with multiple meters and a larger-scale shared project in mind, the provisions in this compromise amendment are important. They allow for greater flexibility and greater cost-effectiveness. I believe that all of us here understand that our systems of delivering electricity to the home are out of date. No longer can we afford a system that delivers electricity only in one direction, from expensive, centralized locations, such as the Cousins Island plant, which we keep, very expensively, in reserve to generate dirty and costly power on a handful of hot days at the peak of summer, when the air conditioning is on and when the sun is shining. But at present, with less installed solar per capita than any other northeastern state, we here in Maine are paying more than we should. Madam Speaker, I also believe all of us here, if we've looked at it, understand that we are currently paying a double-digit rate of return to the two investor-owned monopoly companies that deliver power here in Maine, a double-digit rate of return on a monopoly service. This is unsustainable. It creates massively perverse incentives. Given these rates, I do not blame CMP for their position on this bill or on the new PUC rule. I work in business. It is entirely rational that their international investors would want to avoid letting Mainers control a piece of our own energy. But, Madam Speaker, this compromise amendment will put Maine ratepayers ahead of international investors in controlling our energy destiny. It will provide a path forward that can encourage competition, and a new smart grid, and lower electricity rates for all of us. Of all the options before us, only this compromise amendment would provide this pathway forward. Madam Speaker, I stand here today to appeal to the better angels of our nature. I ask that we support Maine's ratepayers, Maine's industrial community, Maine's farmers, Maine municipalities, Maine jobs, Maine's environment, and Maine's control of our own energy destiny. I urge you to vote in favor of this reasonable compromise approach, and I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in strong opposition to this motion. This is my third year working on solar policy, and I've learned that solar, much to my own dismay, is heavily pushed and lobbied for by those who stand to benefit monetarily from it; and without subsidies, it cannot compete on its own merit, which is why, time and again, legislation has been proposed to support the industry at above-market rates that continue to be paid for by the poorest of poor. LD 1504 is no exception. I've read the PUC's Maine Distributed Solar Valuation Report more than once, I might add, which assumes solar is valued at 33 cents per kilowatt hour, leading one to believe that solar is valued higher than other types of renewable generation, and have had this report referred to as gospel, as reason to take more of your money to meet solar needs. The problem with this report is it did not compare solar generation to any other type of generation. Therefore, it is not possible to conclude from this study that solar is more or less valuable than any other type of generation. Solar was first discovered in 1839 by Alexandre Becquerel. Over a hundred years later, in 1941, Russell Ohl invented the solar cell. Even though solar power is the most federally subsidized fuel source, receiving over 300 times the subsidy per 100 million BTUs than fossil fuel, monetarily that breaks down to 5 cents per million BTUs for oil and 18.63 cents per million BTUs for solar. It remains intermittent and non-dispatchable. In fact, when I asked more than one solar installer how many solar arrays would you install without the 30% federal tax credit, the answer remains the same: zero. It is worth noting that one of my favorite programs, Efficiency Maine Trust, no longer offers rebates on solar projects, as they cannot pass the required cost-effectiveness test. Likely the reason for this determination from EMT is because distributed solar generation and net metering does not save all ratepayers money, and instead, it shifts the burdens from those who can afford solar to those who cannot. The costs associated with the existing grid are largely fixed, and are not reduced by adding distributed generation. Distributed generation can only reduce future grid costs to the extent it is sufficiently reliable, generates at the time of grid strain, and is in places that may help reduce grid strain. Net energy billing, which this report continues to 2021, allows solar customers to use the grid to deliver electricity at times when their generation is insufficient to meet their needs. They also use the grid to export excess generation when they generate more than they need, but they do not pay for this. These costs are paid for by other ratepayers. The estimates for this are an additional cost of about \$1.7 million in CMP territory and another \$200,000 in Emera territory. If electric rates stay the same, ratepayers will pay over \$28 million in subsidy over the terms of the current contracts. The Majority Report exacerbates these costs, and the combination of factors and provisions in this report could cost ratepayers an additional \$50 million more over the term of the proposed new contracts. I understand it is a noble goal to want to decrease CO2 levels, and it is my goal to do it in a reasonable manner, all the while not increasing the burdens on all of the people who pay for the cost to do so. This Majority Report is not the way to do this. Maine is already a leader in the renewable market in New England, producing nearly 70% of its generation through renewable resources and providing nearly half of all renewable energy of New England. All of that

generation has received subsidies, some industries significantly more than others, and Maine electricity payers are paying for a cumbersome share of these proposals because of southern New England's lusty appetite for renewables, including solar. I keep hearing the mantra, "Maine should follow Massachusetts' lead on solar policy." The solar lobby loves that idea; however, in the long run, this would cause financial disaster for Maine electric ratepayers, including United Technologies, Bath Ironworks, Sappi, Huhtamaki. The solar industry may produce some jobs that benefit them, but the burden is how many jobs will be lost when a false market is created. Massachusetts solar policy costs are frightening. Those cost projections for non-solar customers forced to pay for this are in the range of \$2.5 billion to \$4 billion for the period from 2014 to 2020. It would be very irresponsible to adopt policy that will hurt our remaining businesses and ratepayers to profit a few. The Majority Report has been misrepresented by math by the outgoing OPA. He stated that the report would save money in reference to the PUC net metering rule. It does not. In fact, according to the PUC, there is a significant savings with that NEB rule. It saves ratepayers anywhere from \$300,000 to \$1.1 million. This report sets a very dangerous and costly precedent, and I urge you to turn this down and protect the vast majority of your constituents who will not benefit from this, and it will profit a handful who will become very wealthy on the backs of the poorest of poor.

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

Representative **CHAPMAN**: Thank you, Madam Speaker, Friends and Colleagues of the House. I just want to correct a couple of matters that we've just heard. One has to do with comparing subsidies of different energy sources, is a little difficult because they come in different forms, and so the comments just made were not accurate in that regard. Another matter is that the -- there is a mechanism by which the customers who do not have solar are subsidizing those who do through the charges related to the distribution of electricity as mentioned by the -- just formerly, but there are also ways in which the solar customers are subsidizing the non-solar customers by the avoided costs of capital equipment, which is significant. So I wanted to make those quick corrections, and then finally to say that when the net metering law was first introduced and I was in the hearing rooms pushing for that along with the renewable portfolio standard during the deregulation of the electric power industry, we never thought that the scheme that we had cooked up at that time would last as long as the 15-20 years that it's lasted, and I actually just wanted to give a shout out to the quality of the thinking that went into the organization of the renewable portfolio standard and the net metering law more than 15 years ago, because it has lasted, it's served us well, and it's important that we continue the basic idea, and I'm very supportive of the motion before us. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker, Madam Speaker, Ladies and Gentlemen of the House, I would like to support solar, but it can't be through this Majority Amendment; and the reason it can't be is because of the projected added cost to every person in the state that has just simply a meter on their home instead of a panel, and it could total estimates anywhere from 50 to 80 million dollars in higher electric fees. And each one of us represents about 9,000 citizens, and in my district I have about 5,020 CMP customers and approximately 40 or 50 solar customers. So, in order for

the solar customers to have their panels, the other people have to pay too much for electricity, and the bill that is before us is only going to aggravate that. The Minority Report would correct all these issues, and I could support that.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson, and inquires as to what his Point of Order is.

Representative **RYKERSON**: That was not relevant to the issue before the House.

On **POINT OF ORDER**, Representative RYKERSON of Kittery asked the Chair if the remarks of Representative HANLEY of Pittston were germane to the pending question.

The SPEAKER: The Chair will answer, as I specified this morning, that I have given and will continue to give leeway in discussing a Minority Report. The member may continue.

The Chair reminded Representative HANLEY of Pittston to stay as close as possible to the pending question.

Representative **HANLEY**: Thank you, Madam Speaker. I will not discuss in great detail the Minority Report, except that if it does come to pass, that it would be a situation where those that have solar panels would simply be able to sell their power back at a wholesale rate without burdening all their neighbors and friends who will never have solar. And as I drive through my district, which I have seven trailer parks in my district, and never have I ever seen a solar panel in any of those trailer parks, nor will I, because solar panels are only installed by people that have disposable wealth; and I'm not trying to create a situation of poor against rich, but it's just the reality. So, rather than burden the poor with higher fees, and I think of all the retired people, myself included, on fixed income, again myself and my wife, and, you know, the veterans, the disabled, and the poor. When I drive through my district, I see a lot of truly poor people, and a dollar or more a month in their bill means something, because every dollar in their budget has a name and has a place it must go, and we as legislators must protect our citizens from unneeded expenses. So I ask you to follow my light and defeat this motion and help me promote the Minority Report, which I will gladly support. Thank you.

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

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, one year ago the House Republican message was to let the PUC act. Now the PUC has acted, and guess what? The ruling is friendly to solar; so much so that the Chief Executive was furious with the PUC. For example, net metering customers are grandfathered for 15 years. This Report now delays any action until 2021. That means that the price of solar panels are decreasing, but there are no step-downs in compensation. How is that fair to the rest of us who pick up their share of maintaining the grid? One year ago, everyone said the sky would fall on solar. Now I'm seeing more installations, more solar than ever before. Please vote this motion down and keep the PUC promise that they've made to all Mainers, to solar energy, and to all the rest of us ratepayers.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Prescott.

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

The SPEAKER: The member may proceed.

Representative **PRESCOTT**: The bill says until December 31, 2021, 100% of the net energy goes back to the customer; what happens after that?

The SPEAKER: The Representative from Waterboro has posed a question to anyone who is able to answer. The Chair recognizes the Representative from Jay, Representative Riley.

Representative **RILEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the Majority Report on LD 1504. There's general agreement that we must act before the PUC's rule takes effect at the end of this year. That rule would adopt an unprecedented, expensive, and grossly invasive metering system, which this bill would correct. The rule has also created angst throughout the solar industry, as homeowners and potential investors are unsure of the financial stability of those installations. Maine lags the region and the country in its growth of solar-related jobs, a trend which is already being made worse by that PUC rule. My district, and all of Maine, would benefit from those well-paying jobs. My family, like many families in my district, is supported by Maine's paper industry. Those large industrial energy consumers are also often energy producers. They're worried about the invasiveness of the PUC's new metering system which measures not only net output, but also energy produced and consumed behind the meter on the owner's own premises. The ripple effect of that rule could go far, and its reach is undetermined. Like all of us, those large industrials also pay a hefty price for the electric grid infrastructure, especially the capacity that we need at peak times. The regional grid operator estimates that distributed generation, including small solar installation, reduces that peak, thereby reducing the need for additional buildout, thereby avoiding additional energy costs that plague our already-distressed paper industry and all ratepayers. Some claim that there is a cost shift that causes every ratepayer to subsidize solar owners. This is not settled science. Even the high side estimate is miniscule compared to the overall amount we spend on transmission and distribution. It's less than a half cent per dollar on these costs. The only formal study done so far, commissioned by the PUC, indicated that solar actually reduces these costs to all ratepayers. This report is the only option that we have in front of us which will address that discrepancy so that we can implement a suitable rate policy. Distributed generation is a whole new model for our electric grid. We can identify the moving parts, but quantifying the impact of this evolving system on its costs needs greater evaluation. The Majority Report on 1504 seeks to do just that, while supporting Maine's small solar businesses and the jobs they create. It reassures our large industrial employers that they can count on a sensible policy moving into the new year. It's the only option that will allow us to understand the impact on ratepayers before enacting a new policy. The change we make today will impact every electric ratepayer in the state. Let's make sure we do so prudently by voting in favor of the Majority Report.

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

Representative **COOPER**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. This year I was new to the Energy, Utilities, and Technologies Committee, so I approached this subject like I think many of you do. It's a very complicated area, you have to learn a lot really fast in order to vote intelligently on these issues; but one thing that I did learn on this particular issue is that I agree with the Chief Executive, the PUC new rule is not good. It will cost us more than the existing rule. I don't think that's the reason he was displeased, but that is the reason that I feel that it must be replaced with this bill, which is merely a holding pattern, so that the PUC will have time to investigate market solutions to how to charge for

solar energy and give credit for solar energy generated on the premises. For example, the existing -- the proposed new rule, which will go into effect next January, would charge customers for the energy that they produce at their own house or business that they use at their premises. I mean, that is truly unbelievable. It will also require that they buy a second meter, which costs hundreds of dollars. There's no need for a second meter unless you have this cockamamie system of charging. So, you hear a lot of numbers used about what the subsidies are, and whether they exist or not. Our analysis is that the existing rule actually is a cost saver, it is not a subsidy. The true subsidies in the electrical market are those given to the companies that do the transmission and distribution of electricity. That is 80% of the cost on your electric bill --

The SPEAKER: The member will defer. The member will please remember to address all remarks through the Speaker. Thank you. The member may proceed.

The Chair reminded Representative COOPER of Yarmouth to address her comments toward the Speaker.

Representative **COOPER**: Thank you, Madam Speaker, and I apologize. Madam Speaker, the cost of electricity for you and every member of this House is primarily the cost of transmitting electricity through lines and poles to your home. It is not generation. That's a small portion of your bill. So the generation costs of solar or oil or any other fuel used to produce energy is less than 10 or 20% of your bill. So if we want to look at subsidies, look at CMP for example. They put in tens of millions of dollars building new transmission lines at a rate of return of 10%. That's a pretty good rate of return these days, and ratepayers are paying that return. So, if you want to worry about subsidies, I would look there first; and I urge you to support this bill, because it will not only encourage more production of solar, which will mean a less reliance on transmission of power from place to place, and will also allow the creation of more community-based solar facilities, which will mean towns, businesses, and groups of individual residences will be able to group together to produce larger solar arrays. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This morning we had the opportunity to vote on whether or not to increase fees on landlines and cell phones so that we could pay for libraries, thus increasing the cost to Maine citizens. Now we're asking whether or not we are going to increase the cost to ratepayers so that we can subsidize the solar industry. It's just a shell game of moving around money so that we can put forward, sort of, pet projects that we think in the Legislature are important. The issue here is that solar energy produces less than 1% of energy in the State of Maine; it's the highest cost by far. It's not even close. And when we had this debate two years ago, the number of solar panels on roofs in Maine was roughly 2,500 people, and it has grown since then. It's grown since then without these subsidies. The subsidies are not required. I think that we can continue to let the solar industry grow without the subsidies, we can continue to let the PUC deal with the issues that some of the folks have brought up today in a rate case, which I expect that they will do, and this issue will be solved. But I do not support the pending motion, and I ask that you follow my light in opposing the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker. Thank you, Ladies and Gentlemen. I'm sorry to rise a second time but I've heard comments on the net energy billing; and so, on June 19, 2017, I was scratching my head wondering how our ex-OPA's numbers could be as they were, so I contacted the Public Utilities Committee, and this is from Paulina Collins and this is what she said. "Essentially, the OPA compares the savings to the general body of ratepayers that would result from the rule's reduction over time of the compensation of NEB customers, often referred to as a cost shift, with the cost of the requirement for a second meter. Under its meter cost assumption, the OPA estimates that the new NEB rule would cost ratepayers between \$530,298 and \$1,000,561 over a four-year period, depending on assumptions regarding the number of new NEB customers over four years." However, the OPA analysis contains a serious flaw. The OPA assumes that all of the metering costs are recovered from ratepayers in the first year in which the meters are installed. This is not how this type of utility costs are recovered from ratepayers. Rather, the meter costs, like the costs of all utility assets, are recovered over time based on the useful life of the asset. Under standard ratemaking and based on the OPA's assumed NEB growth cases, the commission estimates that the commission's NEB rule would save ratepayers between \$307,636 and \$1,076,726 over the same four-year period. And on that piece, and I actually handed it out to you, there is also a chart on the back that shows all of the information and, again, I oppose this motion.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, I rise simply to answer the question that was asked earlier regarding what happens if the new proposed approach does not go into effect, and as you may be aware, Madam Speaker, as I know you are aware, Madam Speaker, the current PUC rule that would be adopted if we fail to take action in the next year, the next calendar year, is done under the current PUC rulemaking authority. So if we were not to act in that future instance then presumably the PUC rule, and the stepdown that is envisioned by that, would go into effect. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative **FARRIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise talking in opposition of this. And I'm not opposed to solar, but we had the Madison Mill closing less than a year and a half ago and, Madam Speaker, we had Russ Drechsel, the operating officer from Madison Paper, come and talk about what was some of the reasons that happened, that 264 people lost their jobs, and one of the things he told us was energy costs. And when we as policymakers down here in Augusta... one-quarter of a cent per kilowatt equated to \$500,000 for Madison Paper, and that played a role in the closing of that mill. It wasn't the whole reason, but it played a part. And I know the Committee has done a lot of work to find some compromise on this, and I was hoping that we could get to a place where we had a bill that we could all support, and I know we were close to there. But for that reason, and also because Madison, without these, Madison Electric, without these changes, has opened a solar array that many of you were invited to witness and tour, without the intervention of this bill and without the government. So for those reasons, I will not be supporting the pending motion.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Request permission to pose a question through the Chair?

The SPEAKER: The member may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. If energy costs are a big concern of our large industrial users, could I understand more about why it is, then, that our large industrial users, in testimony before the Committee, are in support of the Ought to Pass motion?

The SPEAKER: The Representative from Monmouth has posed a question to anybody who might answer. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, I rise to answer the question that was posed earlier by the Representative from Monmouth. The position of the large industrials -- and I do understand some of the confusion that we've heard today, because it's very different this year than it was on last year's bill. In the bill before us, there is no large-scale procurement, which led to some of the concerns of the large industrial community last year. What is also different is the pending PUC rule, which the large industrial community, including Huhtamaki, including Sappi, including all of the large industrials mentioned earlier, are very concerned about. So they strongly support the Majority Report, and it is in part because the fundamental principle of behind-the-meter generation is violated by the PUC rule. Our large industrials have generation, and they depend on that generation behind the meter and the one-to-one crediting of that generation against their drawing of supply to make ends meet. And furthermore, Madam Speaker, they do understand that where there is greater distributed generation, it drives down the need for new poles and wires and transformers and other capital costs, and it drives down peak demand, which is very expensive as well, and capacity payments, which are expensive. So, Madam Speaker, for all of those reasons, Maine's large industrial community is in strong support, and I encourage those who have doubts about it to speak directly with their representatives here in the State House, they are in strong support of the Majority Report. Thank you.

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

Representative **STETKIS**: Thank you, Madam Speaker. I was hoping to ask a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **STETKIS**: Thank you. I have only one question. Out of the 99% of my constituents that do not own solar systems, are their rates going to go up or down under this amendment?

The SPEAKER: The Representative from Canaan has posed a question through the Chair to anyone who may be able to answer. The Chair first recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, by the only publicly available cost-benefit analysis that has been conducted or commissioned by the Public Utilities Commission, their rates, the rates of the neighbors, the rates of the folks in the trailer parks, the rates of the large industrials, the rates of all Maine ratepayers will go down if there is more distributed generation, more solar, rooftop solar, here in Maine. There has been no other public cost-benefit analysis than that study commissioned by the Public Utilities Commission, and no cost-benefit analysis conducted by the PUC themselves. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: I beg to differ. After reading this, speaking with the PUC, speaking with the Governor's Energy Office, the cost for all individuals, including me, will go up.

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

Representative **PARRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion, and I'd just like to correct my good friend from Yarmouth, mentioning about the T&D cost and the energy cost. I happened to get my Central Maine Power bill the other night, and it was almost 50/50. It was I think \$38 for power and around \$40 for the T&D cost. So it was -- every month it's always within a couple of dollars, so the power part is about half. Madam Speaker, may I ask a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **PARRY**: Madam Speaker, if anybody knows, what's the per-kilowatt cost for natural gas and what's the per-kilowatt cost for solar, and also, if we were to do away with solar and went to 100% natural gas, would that cost be more or less for the ratepayers? Thank you.

The SPEAKER: The Representative from Arundel has posed two or three questions through the Chair to anyone who may be able to answer. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Durham, Representative Chace, and inquires as to your Point of Order.

Representative **CHACE**: Thank you, Madam Speaker. I'm not completely aware of the rules, but this will be the sixth time that the good Representative from Bowdoinham has risen to speak, so I'm not aware if whether questions apply to that situation or not. Thank you, Madam Speaker.

The SPEAKER: Thank you for the question, and that is something that I had to clarify myself when he rose to answer the first question. That rule does not apply to answering questions. The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Glad to see the mic still works. The answer to the question posed just now through the Chair is that it depends. And the Majority Report contemplates moving towards a more time-of-use based system for valuing distributed generation, because really, the cost of generation on the spot market is variable in terms of time. It's very expensive on hot days when the sun is shining, for example, and that's one of the reasons that solar has an enormous benefit to drive down costs. Natural gas is a very important part of our energy mix. When I first came onto the Energy Utilities and Technology Committee ten years ago, Madam Speaker, the entire industrial and rate-paying community was up in arms about the enormously high cost of natural gas. At the time, natural gas was driving our energy cost, it was the number one concern. We are now in a place, Madam Speaker, where that is not the case, but we are also much more dependent on natural gas for our electricity supply. So it would be risky to go too far in that direction, because natural gas and other fossil fuels are, by their nature, very volatile in their pricing, so this is an important part of our energy solution. It's certainly not the only part. With that, Madam Speaker, I yield my time and I'm happy to answer any other questions later.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor, also in answer to the question posed.

Representative **O'CONNOR**: Speaker, I feel like a Mexican Jumping Bean here. Natural gas is subsidized also, at 5 cents per million BTUs. Again, solar is subsidized at \$18.63 per million BTUs. If we went to a hundred percent natural gas or a hundred percent solar, it would certainly be a lot less to go to natural gas; and also, I didn't have the opportunity to speak on the previous question regarding our large industrial consumers. There is one section of the bill and they're willing to take a crapshoot on that, and what that is, is in exiting fees or standby charges, and they think that those could possibly be removed under the Majority Report, which could possibly save them more than the cost for the net metering charges that they will be saddled with by this bill. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. Just two issues that I just wanted to point out real quick. Energy, solar energy, but for federal and state subsidies, would not be a viable investment. When people, particularly rich people, because that's who does this, when rich people look at investing in solar, they look back on a payback of a rate of return on their investment, and they usually look at that payback time somewhere between eight and ten years. And the reason why they get that payback is because of the federal and state subsidies. Other than that, it is cost-prohibitive, generally speaking, to invest in solar. I think that that's just simply a fact. Now, what we also don't know at the federal level is, is what will happen to those federal subsidies for solar now that we have a new President? I think that becomes sort of an unknown in the near future on what happens to that. Lastly, before I sit down, I just wanted to also respond to a question the good Representative from Monmouth posed in regards to the large industrials, and I would simply submit that, while we may have some companies that may or may not suggest that this is a non-issue for them or a reduction in their rates, I have heard the Chief Executive, for seven years now, go out around this state, saying time and time and time and time again that energy is one of the leading issues that is a major decision for major companies to invest in this state in regards to manufacturing, and I don't think, I don't know of anyone that says that that's not the case, that energy prices are a real issue. The good Representative from Norridgewock, Representative Farrin, indicated exactly the same thing. So if anybody here believes that the large industrials, you know, came and said, you know, this is a great bill; well, there may have been someone come and say that, but to think that the large industrials in this state support this, and support rising costs for energy, just doesn't pass the straight face test.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, I think one of the things that amazes me most about this bill is it says for farms and businesses. I come from one of the largest farming communities in the State of Maine. I, myself, as everybody knows, is a fairly good-size farmer. We have been, for a long time, working in Turner to make our farms more modernized and more up-to-date, and do the things that make us more energy efficient. The one thing I don't see in Turner on any of the commercial farms is solar panels, and that's either because

they haven't wrote the grant right so they receive the money, or they haven't been awarded to them yet; because the only way that a farmer in my district could afford to put a solar panel on his roof is if the government's going to give him the money to do it. Well, if the government is going to give him the money to do it, the government has to come up with the money to give him to do it from somebody, and that's from the taxpayers of the State of Maine and the United States. Number two, the thing that I would like to point out about why I'll be voting against this bill: we have a very large egg producer in our town, Hillandale, and last year alone, because of past things we've done with the solar bills, now the PUC is charging them back, their electric bill went up over \$300,000 last year. At our own personal farm, with the T&D, we went up over \$35,000 last year, okay? This is actual rates going back to farmers. The farm in Turner who is... not only are they raising eggs and supplying the food chain, but they are cutting down and shortening because they can no longer make money, because of energy charges in Maine. The energy costs in Connecticut are exactly half what they are in the State of Maine, and they're moving. Well, some people might think that's a good thing, but if you're a dairy farmer anywhere in western Maine, central Maine, anywhere around all into New Hampshire, you're in trouble. Because we have been supplying the chicken manure for all of their cornfields and their hayfields all over the State of Maine, all the way actually now to Vermont --

The SPEAKER: The Representative will defer. The Representative will please address remarks through the rostrum. The Representative may proceed.

The Chair reminded Representative TIMBERLAKE of Turner to address his comments toward the Speaker.

Representative **TIMBERLAKE**: I'm just used to -- because I stand here, this is the angle. Let me get my brain back on track, because that's hard. What happens is, these farmers will no longer be receiving this, and they're going to have to buy commercial-grade fertilizer, which they're not going to be able to afford; and we've watched the dairy industry in the State of Maine go from over 3,000 dairies to 300 dairies. If you want to continue this, if you want to continue this downtrend, then you keep passing bills like this, and you will get rid of the whole farming industry in the State of Maine that's been supporting our community and our end. So I hope you join me in voting against this bill, because this is very bad. If we get to the next amendment, maybe we can support that one, but this one is very bad.

The SPEAKER: There are six members in the queue. The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Madam Speaker. I rise to speak in support of the Majority Ought to Pass as Amended Report. For me, it is about jobs, jobs, jobs. Investment in solar and new jobs are growing quickly in the northeast and nationwide. However, Maine lags behind the region because we lack a clear solar policy. For years, Maine has been on the solar-coaster because of unpredictability and has suppressed investment in growth. Maine has the fewest solar jobs per capita of any state in the region. We are falling further and further behind. I encourage support of this motion.

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

Representative **RYKERSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I am rising in support of the bill. I just wanted to give the current electrical prices in New England: Maine, \$56.38 per megawatt; Connecticut, \$59.47; much higher. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker. I would also like to be a voice for some in the agricultural community. The other day my wife sent me out for milk. I ended up at the Milkhouse in Monmouth, run by Caitlin and Andy, and both of these folks, it turns out, had testimony -- testified in favor of the amendment that we're considering today. In addition, testimony was given by McDougal Orchards of Springvale. Madam Speaker, there are a lot of agricultural folks who are in favor of an Ought to Pass as Amended, Amendment 'A'.

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

Representative **GROHMAN**: Thank you, Madam Speaker. We can argue about anything. I mean, I think this bill, where it ended up, is -- I'm kind of struck by the debate because it -- this is actually just a three, essentially technical corrections. Look, if you hate net metering, which it sounds like some of you do, this puts an end on it. When we did not act in the last session, the PUC, Public Utilities Commission, then had to undertake a solar rule. It's universally despised, and I think that's created some alignment around that. Within that rule, there is one piece that I think everybody does not like. I understand why the PUC wanted to do it. They want two meters. They want to know how much power you're using, but they also want to know how much power you're making, and that kind of takes you into, you know, privacy concerns and so forth, so I think Committee Amendment 'A' seeks to take on that problem as well. There is one change in there, which is the number of meters which can connect to a single solar production site. That's substantially really the only thing in this that is a major change, so I just wanted to point that out. This isn't a massive piece of solar policy; it's a bunch of technical corrections that I think a lot of people support, and then it asks the Public Utilities Commission to re-undertake their process so we can all go back and weigh in again. So, I really hope this is something that we can actually all get behind. I think there are pieces in this that, frankly, we all really need to find a way to support.

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

Representative **SANBORN**: Madam Speaker, Men and Women of the House, I rise today in support of the pending motion, but I rise not because I strongly support the installation of residential and community solar, although I do. Nor do I rise today to discuss federal and state subsidies on solar. Those are not the issue before us today. The issue today is extremely narrow: whether or not we should put the brakes on the PUC's new net metering rule and prevent it from going into effect in January. Madam Speaker, I rise today because, during the course of our hearings and work sessions in the Energy Committee, it became clear that the PUC's proposed revisions to the net metering rule, revisions that were purportedly done to save ratepayers money, would instead cost ratepayers in numerous ways. First, CMP and Emera would immediately incur almost a million dollars in implementation costs in reprogramming their billing systems, which were not designed to implement a 15-year stepdown procedure. The PUC did not take these costs into account when considering the cost and benefit of its new rule. In fact, the PUC didn't really consider the cost and benefit of the new rule. In fact, the first time that CMP or Emera ever calculated the cost of implementing the rule was in response to Committee members' questions. My good friend from Newport

worries about hidden costs to ratepayers, and I share his concern, and so this immediate hidden cost to ratepayers, of implementing the PUC's rule in January, must be taken into consideration. Aside from that cost, the costs that our Public Advocate analyzed was the cost to install these new meters on each and every home and business that installs solar going forward. And let me be clear, Madam Speaker, that cost will be passed on to ratepayers. CMP will, in fact, be granted a rate of return on these \$500-per-installation meters that will be installed in order to monitor, not the energy that is being sold back to the grid, but the energy that is being consumed in someone's own house that never leaves the property. In other words, CMP is being allowed to make a profit on these unnecessary meters, and my good friend from Berwick suggests that the outgoing Public Advocate misrepresented those costs. He did not. Instead, he actually underestimated them, because he didn't include this rate of return. And even worse, everyone, even the PUC, agrees that the PUC's proposed net metering rule, that will go into effect unless we act here in this body, is likely to be short-lived one way or another. It will only last for a few years. And so in short order, the extra meters and the implementation costs, they're going to be stranded T&D costs that will serve no useful purpose after some new, different provision is put into effect. They'll be amortized over a huge number of years and passed along as hidden costs to ratepayers for years to come. The PUC did not do any analysis of these hidden costs. The Majority Report of the Committee is very narrowly tailored to ensure that Maine ratepayers are not saddled with these unwise and unnecessary costs. It's not a situation where, because our environmental community on the one hand and our Chief Executive on the other hand are both upset about the PUC's rule, and must have struck some sort of reasonable compromise; nope, that is not what happened. Instead, if the rule is allowed to go forward, it will cost Maine ratepayers money, unnecessary money, and it won't change the economics of solar power substantially in either direction. If you're in favor of solar power the way it is today, it doesn't really make that much difference, and if you're against it, this does not really change things in the likely life of the PUC rule, which is just a few years. What it does instead is to leave enormous burden of stranded costs, and so if you are truly concerned about transmission and distribution rates in Maine, you will vote in favor of the Majority Report, which is the only method we have today to press pause on the PUC's unwise provision. Without the intervention of this bill, costs will go up. The Farm Bureau supports the bill, large industrials are in strong support of this bill, and so I urge you, in the interests of Maine ratepayers, to follow my light and vote in favor of the pending motion.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: Thank you, Madam Speaker, Men and Women of the House. I've been listening for some time here, and I've been spending my time reading the testimony about this bill, and I just was struck by the comments of Central Maine Power Company. Now, I know a lot of people don't like utility companies, but they are a regulated utility, and under the -- as I understand it, are guaranteed a certain return on their investments. The Public Utilities Commission has a responsibility to rein in those investments, but their letter ends in the following way: "The only reason for this bill is to impose higher and higher costs on our customers. If these generators operated at market rates you wouldn't need this legislation. There is no question that this bill will lead to millions of dollars

of stranded costs. Every one of these contracts will be above market, creating more winners than losers."

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry, and inquires as to why he rises.

Representative **BERRY**: Thank you, Madam Speaker. I believe that the good Representative from Winsor is reading testimony relating to the original bill, which was dramatically, and I mean dramatically, different from the Committee amendment before us. Thank you.

On **POINT OF ORDER**, Representative BERRY of Bowdoinham asked the Chair if the remarks of Representative WINSOR of Norway were germane to the pending question.

The SPEAKER: The Chair will answer, that may be the case, but people have been reading, through this entire bill, debate testimony from the original bill in Committee, so I'm going to allow that to continue. The Representative may proceed.

The Chair responded to Representative BERRY of Bowdoinham that reading committee testimony to the Bill was germane.

Representative **WINSOR**: Thank you, Madam Speaker. Notwithstanding the comments from my good friend from the coast, the -- I think, from what I can gather, and not being an expert in this area, the point is really well made. This allows above-market contracts, and if it does, this is a very complicated issue and this is a complicated bill, but I think that there's a lot of risks put on the ratepayers involved, and I would -- I'm not going to support the bill as it stands. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, with your indulgence, I'll approach the Minority Amendment again; and because of the question about two meters and being charged for energy that you produce behind the meter, in the Minority Report all of those problems disappear, because a second meter is not allowed under the Minority Report. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative **HANDY**: Thank you, Madam Speaker, members of the House. I'd like to point out that in my district I have a large business. To suggest that businesses aren't interested in this or that they are opposed to it is simply erroneous. I'd like to read the email I received from Gene Geiger, who employs 500 people in Lewiston and is one of the leaders of Geiger, Inc., a specialties product company. He writes, and some of you in this body have received this letter: "Dear Legislators, we believe that every person and business needs do all we can to minimize our negative environmental impact while also protecting Maine jobs and businesses. For several years we have been buying carbon offsets so that every package we ship from Lewiston and every vendor we use is carbon neutral. We are the only firm in our industry which does this. Right now, we are making a major investment renovation in our Lewiston home base. We will end up having a building that is LEED-certified at the gold level and a Maine Advanced Building. Our most visible feature will be a 300-kilowatt solar array that will provide 100% of our annual electricity needs, which will also benefit in a small way the utility grid and Maine ratepayers by reducing peak demand costs. The installation starts in about a week. We think that what we are doing is important, even though the solar investment itself does not give us a quick payback. However,

it is supporting good, local jobs and keeping our energy dollars in the Maine economy. We understand that the Governor is not a fan of supporting solar power, but we think he is being shortsighted. In our view, we need to think long-term and take logical steps toward reducing our use of fossil fuels. We are aware that LD 1504 is shortly coming in front of the Senate and ask that you support it. It will not impact us since our project is grandfathered, but it is the right thing to do for our state. Gene Geiger, Lewiston."

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. 371

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

NAY - Austin S, Bradstreet, Campbell, Cebra, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Guerin, Haggan, Hanington, Hanley, Hawke, Head, Hilliard, Johansen, Kinney J, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Prescott, Reed, Sampson, Sanderson, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Battle, Blume, Devin, Grignon, Harvell, Herrick, Tipping.

Yes, 90; No, 54; Absent, 7; Excused, 0.

90 having voted in the affirmative and 54 voted in the negative, with 7 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-276)** was **READ** by the Clerk.

Senate Amendment "A" (S-293) to **Committee Amendment "A" (S-276)** was **READ** by the Clerk.

On motion of Representative HERBIG of Belfast, **TABLED** pending **ADOPTION** of **Senate Amendment "A" (S-293)** to **Committee Amendment "A" (S-276)** and later today assigned.

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

SENATE PAPERS

The following Joint Resolution: (S.P. 594)

JOINT RESOLUTION RECOGNIZING RICHARD ROSEN'S SERVICE TO THE STATE OF MAINE

WHEREAS, the Honorable Richard Rosen, of Bucksport, graduated from the University of Maine with a degree in finance and, from 1982 to 2013, operated his family's store in Bucksport, Rosen's Department Store; and

WHEREAS, Mr. Rosen has served as a board member of the Retail Association of Maine, as President of Northeast Historic Film, as a trustee of Acadia Hospital in Bangor and as a board member for Bucksport Regional Health Center; and

WHEREAS, Mr. Rosen served in the Maine House of Representatives from 1998 to 2004 and in the Maine Senate from 2004 to 2012, for a total of 7 terms, and served as the Senate chair of the Joint Standing Committee on Appropriations and Financial Affairs for 2 years beginning in 2011; and

WHEREAS, Mr. Rosen was presented with the 2011 Adoptive and Foster Families of Maine Outstanding Legislative Advocate of the Year Award, received the Sunshine Award from Maine's Freedom of Information Coalition, was named a Margaret Chase Smith Policy Center Distinguished Maine Policy Fellow and received the Bangor Region Chamber of Commerce Catherine Lebowitz Award for Public Service; and

WHEREAS, Mr. Rosen served as Director of the Governor's Office of Policy and Management from December 2012 to February 2014; and

WHEREAS, Mr. Rosen served as Deputy Commissioner of Finance for the Maine Department of Administrative and Financial Services from February 2014 to June 2015 and as Commissioner of Administrative and Financial Services from June 2015 to June 2017; and

WHEREAS, as commissioner, Mr. Rosen oversaw more than 1,200 employees serving all branches and agencies of State Government and was responsible for budgeting and financial management, human resources and other administrative services; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, take this occasion to recognize the dedicated service of Richard Rosen to the State of Maine.

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

READ.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Members of the House, all of you have a copy of the resolution that was distributed earlier today that came from the other body, recognizing Richard Rosen and his service to the State of Maine. I felt very strongly that I had to say a few words because of the service that I served with him. I guess it's probably not a surprise that I've been around the Legislature a few years and have served with a lot of Legislators, many of them, and I really have never bothered to count the number, but I want to say that I served in the --

The SPEAKER: The member will defer. The House will be in order. The member may proceed and the Chair would remind the member to please address remarks through the Chair.

The Chair reminded Representative Martin of Eagle Lake to address his comments toward the Speaker.

Representative **MARTIN**: I served in the House, and in the other body, with Richard Rosen, and I can tell you that his work representing the people of his hometown and the surrounding county, and part of another county, served them well throughout those years. And then, subsequently of course, he served for almost five years as a member of the administration, working for the people of Maine. And so he has been a dedicated state employee, a dedicated legislator, and as I make my last comments I just want to say that, among all legislators I had served, I can't think of a finer and more

dedicated public servant for the citizens of Maine and representing the citizens of Maine.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I had the amazing opportunity, back when I was first elected to the House of Representatives back in the 125th, 2010, to serve on the Appropriations Committee, where Senator Rosen was chair of that Committee at that time. And the challenge before the State of Maine at that point in time was quite large. We had a national recession that had really bulldozed revenues in the State of Maine, both through the sales tax and through the income tax. We had a pension system that was on the verge of fiscal crisis, unemployment was running upwards of 8%, along with many other significant issues facing our state. Richard Rosen was a steady hand as the chair of the Appropriations Committee during that time. And what we were able to do, in a very bipartisan fashion, including the good Representative from Eagle Lake, Representative Martin, on that Committee back in 2010, was to be able to make very tough decisions, to put Maine back on a course where we all could have trust and faith in where state government was going financially. I believe that we made significant adjustments to the pension system, which now means that the Maine pension system and those people receiving it are not seeing a pension system in great crisis, as they are in other states. We see a pension system whose rate of return is expected next year to exceed, in fact, the rate of return that we expected, which should lower, eventually, the cost to state government in terms of our cost to pay into that system. And we see today an unemployment rate of approximately 2.5%, where we were all, again, able to come together in a very difficult time, in a very bipartisan fashion, House and Senate, Democrats and Republicans, and I believe those sorts of things happened in the 125th Legislature because of someone like Richard Rosen who served at that time. Thereafter, I continued to work with Richard in a leadership position with him at the DAFS, when he would always come in and take very complex issues and bring them down to something even I could understand. So I commend him for his service, he's a terrific public servant to the people of the State of Maine, we owe him a great gratitude, and I think this legislative sentiment is really a reflection of that, and I appreciate, again, his service to the State of Maine. Thank you, Madam Speaker.

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

Representative **TURNER**: Thank you, Madam Speaker. I would be remiss today if I didn't say a couple of words. When I first met Richard Rosen, he was my senator. He came to the little small town of Burlington, which had only about 360 people. In a Senate District, he really doesn't need to pay attention to such a small town. I was the selectman at the time and needed to speak to him about some issues, and he gladly came, he drove the over two hours that it took to get there, listened: and I have to say many, many times, Richard came whenever I asked and he's a dear friend today, so I want to thank him as well for all of his years of service to this great state.

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

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. It's an honor to rise and say a few words about one of probably the most gentle men and gentleman that I've ever known. I grew up in a town beside

Bucksport, and we always knew of the Rosen's Department Store, and for generations they've served the citizens of Bucksport and the lower Penobscot basin for years. When I came to the Legislature and got into leadership, I said, you know, there's a guy that we should have serve with us. So, as a member of leadership, I tried to recruit Richard; and everyone knows Richard's laugh, and he'd laugh and say, "I don't have time for that." I said, "But Richard, you'd be good at it." So we finally got him into the House, and then into the other body, and then as a member of this administration. Richard Rosen has served the State of Maine so well that many times I've had conversation with him and suggested that he run for governor; but then, with that laugh, he would say, "No, I don't think I'll do that." Richard Rosen has served the State of Maine in several different ways that many of us, or most of us, could never relate. I still believe that he is one of the most gentle and humble people I've ever known. Richard, Maine will miss you. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

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

Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System

(S.P. 423) (L.D. 1260)
(S. "A" S-287 to C. "A" S-231)

Which was **TABLED** by Representative HERBIG of Belfast pending **FINAL PASSAGE**.

Subsequently, the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

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

An Act To Restore the Tip Credit to Maine's Minimum Wage Law (EMERGENCY)

(S.P. 235) (L.D. 673)
(C. "A" S-209)

Which was **TABLED** by Representative FREDETTE of Newport pending **FURTHER CONSIDERATION**.

On motion of Representative FECTION of Biddeford, the House voted to **RECEDE**.

The same Representative **PRESENTED** House **Amendment "A" (H-518)** to **Committee Amendment "A" (S-209)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-209) as Amended by **House Amendment "A" (H-518)** thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-209) as Amended by House Amendment "A" (H-518)** thereto in **NON-CONCURRENCE** and sent for concurrence.

ENACTORS
Resolves

Resolve, Authorizing the Department of Inland Fisheries and Wildlife To Assume Ownership of the Forest City Project (H.P. 1121) (L.D. 1626) (C. "A" H-524)

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

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Provide for a Statewide Contract for School Teachers"

(H.P. 613) (L.D. 864)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** in the House on June 20, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-496)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend the Charter of the Rumford Water District" (EMERGENCY)

(S.P. 38) (L.D. 90)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) in the House on June 20, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) AS AMENDED BY SENATE AMENDMENT "A" (S-226)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

COMMUNICATIONS

Pursuant to Article IV, Part Third, Section 2-A, the accompanying line item veto on An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund (EMERGENCY)

(S.P. 201) (L.D. 586)

(H. "A" H-517 to C. "A" S-202)

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Land Management and Planning Z239

Initiative: Provides an allocation for STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS 2017-18

All Other \$3,250 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on

the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. For purposes of our caucus, I just want to express to them, I don't believe we talked about this in our caucus; and what these are are line item vetoes, which require a simple majority to override the spending parts of a bill that was previously passed, which is LD 586, which was "An Act To Implement the Recommendations of the Commission To Study the Public Reserve Lands Management Fund." That bill was passed both in this body and the other body, it was sent down to the Chief Executive. There are a total of 14 line items on this particular... line items that the Chief Executive has decided to line item. My understanding is the Speaker intends to do a division on each of these. Once that reaches an expected 76 votes, they will then move on to the next line item in this particular bill. So I say that for purposes of providing information to the caucus on this specific bill, again understanding that a line item, in order to override a line item, takes a simple majority versus a two-thirds as required by a regular veto by the Chief Executive.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunphy.

Representative **DUNPHY**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise to support the unanimous Ought to Pass Committee Report on this bill. LD 586 implements the recommendations of the Commission to Study the Public Reserved Lands Management Fund, a commission that was comprised of legislators and leaders from the forest products industry who, like my Committee, are committed to exemplary management of our public forests, all 600,000 acres of them. This bill helps the Bureau of Parks and Lands to continue its strong tradition of sustainable forestry, and helps to establish our public forests as premier outdoor recreation destinations. Ladies and gentlemen, this legislation will go a long way towards protecting and improving the public's ability to access and enjoy our public forests. Outdoor recreation is big business and a big part of what makes Maine, Maine. We should make the most of our outstanding natural resources. This Committee also believes, wholeheartedly, that timber access and production is critical to the future of our forest products industry, but that access and production should be based on modern and current measures of cost and benefit. We admire the work of our state foresters, and we want to see that work best reflected in policy that will ensure the long-term productivity of our public reserve lands, as well as being important resources for conservation and recreation. I hope you will join me in supporting this legislation and overriding the veto. Thank you.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 95 voted in favor of the same and 22 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto
**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides an allocation for STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS 2017-18
OTHER SPECIAL REVENUE FUNDS TOTAL \$3,250 –
Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 91 voted in favor of the same and 28 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto
**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides an allocation to develop infrastructure projects to comply with the federal Americans with Disabilities Act of 1990 for the State's public reserved lands.

OTHER SPECIAL REVENUE FUNDS 2017-18

All Other \$50,000 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

The SPEAKER: The pending question before the House is 'Shall this dollar amount become law notwithstanding the

objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 89 voted in favor of the same and 27 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto
**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides an allocation to develop infrastructure projects to comply with the federal Americans with Disabilities Act of 1990 for the State's public reserved lands.

OTHER SPECIAL REVENUE FUNDS 2017-18
OTHER SPECIAL REVENUE FUNDS TOTAL \$50,000 –
Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 91 voted in favor of the same and 30 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto
**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides an allocation to conduct a detailed forest inventory of the State's public reserved lands and public nonreserved lands.

OTHER SPECIAL REVENUE FUNDS 2018-19

All Other \$65,000 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 92 voted in favor of the same and 26 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides an allocation to conduct a detailed forest inventory of the State's public reserved lands and public nonreserved lands.

OTHER SPECIAL REVENUE FUNDS 2018-19

OTHER SPECIAL REVENUE FUNDS TOTAL \$65,000 –
Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

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The Chair ordered a division on **RECONSIDERATION**.

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

A vote of the House was taken. 94 voted in favor of the same and 29 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides allocations for educational grants to programs related to logging or forestry at public secondary or public postsecondary educational institutions or career and technical education centers.

OTHER SPECIAL REVENUE FUNDS 2017-18

All Other \$150,000 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor,

since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 98 voted in favor of the same and 27 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides allocations for educational grants to programs related to logging or forestry at public secondary or public postsecondary educational institutions or career and technical education centers.

OTHER SPECIAL REVENUE FUNDS 2017-18

OTHER SPECIAL REVENUE FUNDS TOTAL \$150,000 –
Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

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The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 96 voted in favor of the same and 29 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides allocations for educational grants to programs related to logging or forestry at public secondary or public postsecondary educational institutions or career and technical education centers.

OTHER SPECIAL REVENUE FUNDS 2018-19

All Other \$150,000 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on

the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

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The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 95 voted in favor of the same and 25 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

Land Management and Planning Z239

Initiative: Provides allocations for educational grants to programs related to logging or forestry at public secondary or public postsecondary educational institutions or career and technical education centers.

OTHER SPECIAL REVENUE FUNDS 2018-19

**OTHER SPECIAL REVENUE FUNDS TOTAL \$150,000 –
Changed to \$0**

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 90 voted in favor of the same and 27 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS 2017-18

\$203,250 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on

the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 88 voted in favor of the same and 29 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

DEPARTMENT TOTALS

DEPARTMENT TOTAL – ALL FUNDS 2017-18

\$203,250 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 89 voted in favor of the same and 31 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS 2018-19

\$215,000 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 84 voted in favor of the same and 30 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

The accompanying line item veto

**AGRICULTURE, CONSERVATION AND FORESTRY,
DEPARTMENT OF**

DEPARTMENT TOTALS

DEPARTMENT TOTAL – ALL FUNDS 2018-19

\$215,000 – Changed to \$0

In Senate, June 21, 2017, this dollar amount, having been returned by the Governor, together with objections to the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this dollar amount become law notwithstanding the objections of the Governor?"

It was the vote of the Senate that this dollar amount become law notwithstanding the objections of the Governor, since a majority of the members elected to the Senate so voted.

The Chair ordered a division on **RECONSIDERATION**.

After reconsideration, the House proceeded to vote on the question 'Shall this dollar amount become law notwithstanding the objections of the Governor?'

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

A vote of the House was taken. 86 voted in favor of the same and 33 against, and accordingly the Line Item Veto was **NOT SUSTAINED** in concurrence.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Order

Representative PIERCE for the **Joint Select Committee on Marijuana Legalization Implementation** on Bill "An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities" (EMERGENCY)

(H.P. 1132) (L.D. 1641)

Reporting **Ought to Pass** pursuant to Joint Order 2017, H.P. 96.

The Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work as Educators"

(H.P. 970) (L.D. 1396)

Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522)** in the House on June 20, 2017.

Came from the Senate with Report "B" (4) **OUGHT TO PASS AS AMENDED** of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-523)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)** on Bill "An Act To Improve the Quality of Teachers"

(S.P. 263) (L.D. 818)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

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

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

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

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

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

Representative ESPLING of New Gloucester **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

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

The SPEAKER: 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. 372

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

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

ABSENT - Battle, Blume, Casas, Devin, Grignon, Guerin, Harvell, Herrick, Tipping.

Yes, 75; No, 67; Absent, 9; Excused, 0.

75 having voted in the affirmative and 67 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-203) 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-203) in NON-CONCURRENCE** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (S.C. 543)

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

June 20, 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 1405, "An Act To Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine."

It has long been my view that Maine retailers can compete and win against even the very best out-of-state companies, provided they are competing on an equal playing field.

In 2013, I signed into law LD 346, "An Act Concerning the Collection of Sales Tax by Any Businesses Making Sales to

Persons in Maine." This law requires companies that have affiliate programs to register and collect Maine sales tax on sales to Maine customers. In response to its passage, a number of retailers deliberately ended their affiliate programs with Maine residents and businesses to avoid collecting our sales tax. I am concerned that allowing LD 1405 to go into law will similarly cause small online retailers to cease selling their products to residents of the State of Maine.

Additionally, this legislation positions Maine in conflict with the U.S. Supreme Court's ruling in *Quill Corp. v. North Dakota, 504 U.S. 298 (1992)*, which prohibits states from imposing a sales tax collection duty on retailers who have no physical presence within their borders. While I believe this decision should be overturned, I consider it unwise for Maine to become a national outlier and needlessly expose the state to litigation.

The establishment of nexus for the purpose of sales tax collection is a complex issue that requires a comprehensive approach. That is why I have supported the federal Marketplace Fairness Act and urged Maine's congressional delegation to support its passage. This legislation would enable state governments to collect sales taxes and use taxes from remote retailers with no physical presence in their state.

For these reasons, I return LD 1405 unsigned and vetoed. I encourage the Legislature to join me in calling for a federal solution to this national problem and urge you to sustain my veto.

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 Require Remote Sellers To Collect and Remit Sales and Use Tax on Sales into Maine (S.P. 483) (L.D. 1405) (C. "A" S-181)

In Senate, June 21, 2017, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

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

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

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

ROLL CALL NO. 373V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Hamann, Handy, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean,

Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuell, Vachon, Wadsworth, Wallace, Warren, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Cebra, Craig, Farrin, Hanington, Johansen, Lockman, Lyford, Mason, O'Connor, Ordway, Prescott, Reed, Sanderson, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Ward, White, Winsor.

ABSENT - Battle, Blume, Devin, Grignon, Harvell, Herrick, Tipping.

Yes, 119; No, 25; Absent, 7; Excused, 0.

119 having voted in the affirmative and 25 voted in the negative, with 7 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

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

On motion of Representative RECKITT of South Portland, the House adjourned at 4:47 p.m., until 10:00 a.m., Thursday, June 22, 2017, in honor and lasting tribute to Jonathan Philip Bowman, of St. Albans.