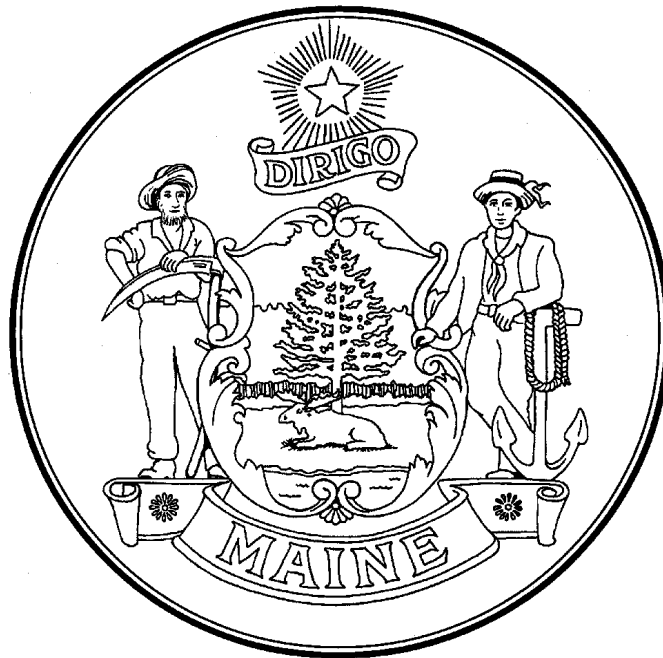


MAINE STATE LEGISLATURE

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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
64th Legislative Day
Wednesday, June 28, 2017

Representative HERBIG of Belfast assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Honorable Betty A. Austin, Skowhegan.
National Anthem by Mari Smith, Farmingdale.
Pledge of Allegiance.
The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (S.C. 553)

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

June 21, 2017

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

Dear Clerk Hunt:

House Paper 1061, Legislative Document 1540, "An Act To Protect Consumers' Freedom of Choice in Auto Collision Repairs," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 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?"

20 voted in favor and 14 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 554)

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

June 21, 2017

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

Dear Clerk Hunt:

House Paper 449, Legislative Document 633, "An Act To Amend Teacher Evaluation Requirements," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 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?" 21 voted in favor and 13 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 555)

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

June 27, 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

Committed Bill "An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals" (H.P. 893) (L.D. 1296) and accompanying papers to the Committee on Criminal Justice and Public Safety, in non-concurrence; Accepted the Minority Ought to Pass as Amended Report from the Committee on Judiciary, and Passage to be Engrossed as Amended on Bill "An Act To Provide an Exemption from Road Association Payments for Landowners Whose Primary Access Is Not over the Road" (H.P. 381) (L.D. 537), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

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

The Following Communication: (S.C. 556)

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

June 27, 2017

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

Dear Clerk Hunt:

Senate Paper 350, Legislative Document 1047, "An Act To Protect Homeowners from Improper Foreclosure Fees," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 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?" 19 voted in favor and 15 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

Senate Paper 482, Legislative Document 1404, "An Act To Ensure Integrity of For-profit Colleges and Universities," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 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?" 20 voted in favor and 14 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Barbara Redmond, of Vassalboro, who is retiring as Chief Deputy Secretary of the Department of the Secretary of State after 11 years in her current position and 36 years of state service overall. Ms. Redmond began her service with the Bureau of Motor Vehicles in 1981 and after 18 years moved to the central office, serving there under Secretary Dan Gwadosky, Secretary Charlie Summers and Secretary Matthew Dunlap. In 2004 she became Deputy Secretary of State, and in 2006 she became Chief Deputy Secretary of State. She has been active in the National Association of Secretaries of State and the Maine State Employees Combined Charitable Appeal. We extend to Ms. Redmond our appreciation for her long service to the State and offer her our congratulations and best wishes;

(SLS 520)

On **OBJECTION** of Representative BRADSTREET of Vassalboro, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **BRADSTREET**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I rise today in recognition of the retirement of a great public servant. Barbara Redmond has served the State of Maine for 36 years, all with the Department of the Secretary of State, and for the past 11 years as Chief Deputy Secretary of the Department of the Secretary of State. She's the kind of constituent that any elected official would be proud to have living in his or her district, and I'm honored to represent her in this chamber. Winston Churchill said, "We make a living by what we do, but we make a life by what we give." Barbara has given much to the State of Maine, and I join with other members of the House in saying, thank you.

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

Representative **DUNPHY**: Thank you, Madam Speaker, Women and Men of the House. I rise today to honor Barbie Redmond in her years of dedicated service to the State of Maine, and specifically to the Office of the Secretary of State. Barbie is not only the Chief Deputy; she's been a constant in a world of transitions, from election to election, and Secretary to Secretary. Barbie has brought a sense of stability to the office and made the transitions seamless, and always with a smile and utmost professionalism. I'd like to also extend my appreciation and thanks to her for her assistance with a number of my own constituent issues. I only recently found out Barbie fondly refers to me as her Bangor branch. And even with that, she always is happy to help me and always makes me look really good. Mostly I want to thank Barbie for her loyalty and her friendship. She has adopted my daughter as her own and makes an extraordinary effort to include my dad in conversations of golf, family, or any number of things as we attend events and conferences together. I hope you enjoy your retirement, Barbie, and you will be missed.

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

Representative **WARREN**: Thank you, Madam Speaker. I would just like to add my congratulations to an amazing public servant; someone who is always there with a smile when we need help. She's just been amazing, and I hope to see a lot of her in Hallowell. Thank you.

Subsequently, this Expression of Legislative Sentiment was **PASSED** in concurrence.

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

UNFINISHED BUSINESS

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

An Act To Clarify the Authority of an Affiliate of a Utility To Own Power Generation outside of the Utility's Territory

(H.P. 536) (L.D. 756)

(S. "A" S-220 to C. "A" H-314)

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

PENDING - **PASSAGE TO BE ENACTED.**

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Bill "An Act Regarding Solar Power for Farms and Businesses"

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

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY SENATE AMENDMENT "A" (S-293)** thereto.

TABLED - June 27, 2017 (Till Later Today) by Representative O'CONNOR of Berwick.

PENDING - **ADOPTION OF HOUSE AMENDMENT "B" (H-554) to COMMITTEE AMENDMENT "A" (S-276)**. (Roll Call Ordered)

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

Representative **HANLEY**: Yes, a question of clarification. Can we speak on the amendment now?

The SPEAKER PRO TEM: The Chair would answer in the affirmative. You may speak to House Amendment 'B'. The member may proceed.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I speak in opposition to the amendment. I'm not in favor of the bill initially, anyway, but the amendment does not improve it. It only will allow, forever, net metering, which is nothing more than the burden of higher electric rates on everyone in Maine who does not have solar systems. There are about 2,800 solar systems panels, not panels, but solar units in Maine, and there are 620,000 meters. So the 617,000 meters have to pay higher rates so that this tiny percentage of people can have solar power. It is a very ineffective way to do it, but it is also wrong to put this burden on our citizens forever, and I ask you to follow my light and vote against this amendment. Thank you.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, again I stand here and I think the

most amazing thing about this bill is it says, "farm and business." I don't understand it. I probably never will. Yesterday, I received a piece of paper that told me how many net metering customers were in my town that I represent. I totaled them up, and it come to 0.0012. That means 99.998% of the people in my district got to pay for that percentage. I don't see there's one thing that's fair about this bill, and the only thing that's farm about it is what is generated at most farms and spread on the field. That's what this bill is. I'll be voting against it.

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

Representative **WADSWORTH**: Thank you, Madam Speaker Pro Tem and Ladies and Gentlemen of the House. I rise to support the pending adoption. I don't know about you, but we've been discussing solar policy in depth in this chamber for a solid year and a half, and guess what: we need more data. All we have is an old value of solar study that is far from the consumer's willingness to pay. This amendment will allow the PUC to do a cost-benefit analysis. While they're doing the cost-benefit analysis, the step-downs will stay in place, just like the rule. However, gross metering is not allowed to stay in place. Double metering costs and behind-the-meter T&D just gets under my libertarian skin, and it's wrong. This is a small compromise and lets the PUC still conduct their business.

The SPEAKER PRO TEM: A roll call having been previously ordered, the pending question before the House is Adoption of House Amendment "B" (H-554) to Committee Amendment "A" (S-276). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 411

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

NAY - Austin S, Craig, Espling, Farrin, Fredette, Gerrish, Ginzler, Guerin, Haggan, Hanington, Hanley, Hawke, Head, Johansen, Lockman, Lyford, Malaby, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Prescott, Reed, Sanderson, Sherman, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wallace, White, Winsor, Wood.

ABSENT - Campbell, Grignon, Herrick, Stearns, Tipping.
Yes, 105; No, 40; Absent, 5; Excused, 1.

105 having voted in the affirmative and 40 voted in the negative, with 5 being absent and 1 excused, and accordingly **House Amendment "B" (H-554) to Committee Amendment "A" (S-276) was ADOPTED.**

Committee Amendment "A" (S-276) as Amended by House Amendment "B" (H-554) thereto was ADOPTED.

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

Representative BERRY of Bowdoinham **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-276) as Amended by House Amendment "B" (H-554) thereto.**

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

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

Representative **FREDETTE**: Just a Point of Order, Madam Speaker, in regards to the request for the roll call. Is this on the overall bill now amended?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative **FREDETTE**: Thank you, Madam Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-276) as Amended by House Amendment "B" (H-554) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 412

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

NAY - Austin S, Campbell, Craig, Espling, Farrin, Fredette, Gerrish, Ginzler, Guerin, Haggan, Hanington, Hanley, Hawke, Head, Johansen, Lockman, Lyford, Malaby, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Prescott, Reed, Sanderson, Sherman, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wallace, White, Winsor, Wood.

ABSENT - Grignon, Herrick, Stearns, Tipping.

Yes, 105; No, 41; Absent, 4; Excused, 1.

105 having voted in the affirmative and 41 voted in the negative, with 4 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-276) as Amended by House Amendment "B" (H-554) thereto in NON-CONCURRENCE** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 292)

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

June 28, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on June 28, 2017.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 291)

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

June 27, 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 1427, "An Act To Make Community Paramedicine Services Permanent."

I believe that to justify the spending of hard-earned taxpayers' money, in this case MaineCare, there should be data indicating whether there is actually any value to the taxpayer. State policy has been to move slowly and cautiously with a new method of delivering medical services, called community paramedicine programs, which entails EMS technicians supplying primary care services.

This bill was introduced as a Department of Public Safety department bill. I supported the bill as introduced because it explicitly stated that state funding, including MaineCare, would not be used to support community paramedicine. There needs to be more research into the effectiveness of community paramedicine before we prioritize it over other, more worthy programs.

For these reasons, I return LD 1427 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 Make Community Paramedicine Services Permanent

(H.P. 981) (L.D. 1427)

(C. "A" H-489)

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

ROLL CALL NO. 413V

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

NAY - Craig, Guerin, Hanington, Johansen, Lockman, Lyford, Malaby, Mason, Prescott, Sirocki, Timberlake, Wallace, White, Winsor.

ABSENT - Gattine, Grignon, Herrick, Stearns, Tipping, Madam Speaker.

Yes, 130; No, 14; Absent, 6; Excused, 1.

130 having voted in the affirmative and 14 voted in the negative, with 6 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

**REPORTS OF COMMITTEE
Committee of Conference**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

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

has had the same under consideration, and asks leave to report:

That the Senate and House agree that this bill and all its accompanying papers be **COMMITTED** to the committee on **TRANSPORTATION**.

Signed:

Senators:

COLLINS of York

CUSHING of Penobscot

DILL of Penobscot

Representatives:

McLEAN of Gorham

PARRY of Arundel

GRANT of Gardiner

Came from the Senate with the Committee of Conference Report **READ** and **ACCEPTED** and the Bill and accompanying papers **COMMITTED** to the Committee on **TRANSPORTATION**.

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

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

SENATE PAPERS

Non-Concurrent Matter

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

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

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** in the House on June 27, 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-310)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

ENACTORS

Acts

An Act To Modernize Rates for Small-scale Distributed Generation

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

(H. "B" H-554 to C. "A" S-276)

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

REPORTS OF COMMITTEE

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 281) (L.D. 390)

has had the same under consideration, and asks leave to report:

That the House **INSIST** and **ASK** for a **SECOND COMMITTEE OF CONFERENCE**.

That the Senate **INSIST** and **JOIN** in a **SECOND COMMITTEE OF CONFERENCE**.

Signed:

Representatives:

GIDEON of Freeport

FREY of Bangor

WINSOR of Norway

Senators:

THIBODEAU of Waldo

KATZ of Kennebec

BREEN of Cumberland

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

The House voted to **INSIST** and **ASK** for a **SECOND COMMITTEE OF CONFERENCE**.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Fund the Agreement with Executive Branch Employees" (EMERGENCY)

(H.P. 1135) (L.D. 1644)

Sponsored by Speaker GIDEON of Freeport. (GOVERNOR'S BILL)

Cosponsored by President THIBODEAU of Waldo and Representative: FREDETTE of Newport, Senator: JACKSON of Aroostook.

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

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

Under further 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

An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation (EMERGENCY)

(H.P. 176) (L.D. 243)

PASSED TO BE ENACTED in the House on May 30, 2017. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)** **AS AMENDED BY SENATE AMENDMENT "A" (S-312)** thereto in **NON-CONCURRENCE**.

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Repeal the Ranked-choice Voting Law"

(S.P. 578) (L.D. 1625)

Report "B" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-303)** in the House on June 27, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby Report "A" (6) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-302)** in **NON-CONCURRENCE**.

The House voted to **INSIST** and **ASK** for a **COMMITTEE OF CONFERENCE**. Sent for concurrence.

SCHNECK of Bangor
WHITE of Washburn

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

Signed:
Representative:
HICKMAN of Winthrop

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

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-314)**.

READ.
Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 414

YEA - Alley, Battle, Bickford, Cardone, Casas, Chace, Collings, Denno, Doore, Duchesne, Farrin, Fay, Frey, Fuller, Gattine, Ginzler, Golden, Guerin, Hanington, Herbig, Hubbell, Hymanson, Kornfield, Kumiega, Longstaff, Luchini, Martin R, McCrea, McCreight, McLean, Monaghan, Moonen, Nadeau, Parry, Perry, Picchiotti, Pierce T, Pouliot, Prescott, Harley, Sanborn, Schneck, Sheats, Sylvester, Tepler, Terry, Tucker, Tuell, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Ackley, Austin B, Austin S, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Bradstreet, Brooks, Bryant, Cebra, Chapman, Cooper, Corey, Craig, Daughtry, DeChant, Dunphy, Espling, Farnsworth, Fecteau, Foley, Gerrish, Gillway, Grant, Grohman, Haggan, Hamann, Handy, Hanley, Harlow, Harrington, Harvell, Head, Hickman, Hilliard, Hogan, Johansen, Jorgensen, Kinney J, Kinney M, Lawrence, Lockman, Lyford, Madigan C, Madigan J, Marean, Martin J, Mason, Mastraccio, McElwee, Melaragno, O'Connor, O'Neil, Ordway, Parker, Pierce J, Reckitt, Reed, Rykerson, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Spear, Stanley, Stetkis, Stewart, Strom, Sutton, Talbot Ross, Timberlake, Turner, Vachon, Wadsworth, Wallace, Winsor.

ABSENT - Black, Campbell, Dillingham, Fredette, Grignon, Hawke, Herrick, Higgins, Malaby, Perkins, Pickett, Skolfield, Stearns, Theriault, Tipping, Ward.

Yes, 53; No, 81; Absent, 16; Excused, 1.

53 having voted in the affirmative and 81 voted in the negative, with 16 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

ENACTORS
Emergency Measure

An Act To Amend the Marijuana Legalization Act to Provide Licensing, Rulemaking and Regulatory and Enforcement Authority within the Department of Administrative and Financial Services; Assign Rulemaking, Regulatory and Enforcement Authority Related to Agricultural Purposes to the Department of Agriculture, Conservation and Forestry; and Allocate Funds for Implementation

(H.P. 176) (L.D. 243)
(S. "A" S-312 to C. "A" H-221)

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. 102 voted in favor of the same and 30 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

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

REPORTS OF COMMITTEE
Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-314)** on Bill "An Act To Regulate and Tax Sports Fantasy League Activities in Maine"
(S.P. 449) (L.D. 1320)

Signed:
Senators:
MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:
LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth

Reference was made to Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

(H.P. 281) (L.D. 390)

In reference to the action of the House on June 28, 2017 whereby it Insisted and Asked for a Second Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Speaker GIDEON of Freeport

Representative FREY of Bangor

Representative WINSOR of Norway

The SPEAKER: Announcement from the Chair. We're going to have an announcement period right now, and we're waiting for a veto to come out and be distributed. If that comes out during this time, we'll go ahead and run that, and if not, I think we'll just let folks go tonight and do it in the morning. So I just want to give folks a sense of what to expect coming up here. So tomorrow we are going to come into session, both the Senate and the House; we're coming into session at 10 a.m. tomorrow. I do not expect us to have a tremendous amount of work to do but we do have some. We will have a couple of things to do; and I want to give people advanced notice that, additionally, something that will be on there is another extension of five days of legislative session in order for us to pass a biennial budget this year. On that note, I think everyone, probably, either through conversations or caucuses or conversations with leaders knows that we -- and also through our actions today, the Committee of Conference that had been appointed for the past ten days voted out to reappoint a new Committee of Conference to continue work on the budget, and the reality is that in order to have a biennial budget in place for fiscal years '18 and '19 by the time the current one expires, on Friday night, we would need to have an agreement in place and be sending that agreement to OFPR tomorrow, so that we could vote on the budget on Friday. So what I want folks to know and expect is that Friday will likely be a very long day. We will be voting on a budget on Friday and we would need to run it all the way through both bodies, which takes a lot of time because it's a big, big document; and then we would be in a posture where we are waiting for the Chief Executive to either sign or veto, according to his preference, a bill, if we are able to pass a bill. That being said, folks should expect a very long day Friday, possibly into Saturday, so I want people to be expecting that that could happen; or coming back on Saturday. However, if we are not successful in passing a budget, folks should expect that we will be here every day until we pass a budget, and should make plans, or not make plans, accordingly moving ahead. I just want to give people a realistic expectation. I am very hopeful, and I think all legislative leaders are working hard and will be working all night to try to get that agreement and deliver a budget that people in this chamber, no matter where in the state they come from or what their affiliation, can feel they can vote for. I am going to be in my office. I am happy to have any visitors or any conversations in person, or via phone, at any time should people have questions about what is happening, about what the status is, or about what will happen. On that note, I don't have anything else for you but announcements from the floor.

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner, who wishes to address the House on the record.

Representative **TURNER**: Thank you, Madam Speaker. May I ask a question?

The SPEAKER: The Representative may proceed.

Representative **TURNER**: Thank you. I was just wondering, when you said we have to be here every day, does that include Saturday, Sunday, and the holiday through?

The SPEAKER: The Chair would answer in the affirmative. As long as there is not a biennial budget in place for the State of Maine, the state will not be operating and we will be working around-the-clock until a budget is in place.

Representative **TURNER**: Thank you for that clarification.

COMMUNICATIONS

The Following Communication: (H.C. 296)

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

June 28, 2017

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 835, "An Act To Promote Small Diversified Farms and Small Food Producers."

Contrary to the title, this bill alters definitions in state law, which will cause an unhealthy impact on Maine food production. Consumers and farmers will both be left wondering which items are really safe Maine food products. LD 835 is an effort to legislate an illusion that there is no need for food safety training and inspections. The overwhelming majority of Maine food producers and processors successfully use the Department of Agriculture, Conservation and Forestry (DACF) licensing and educational expertise to improve the safety and value of their products.

To participate in the existing licensing process, food producers, especially new farmers and processors, work closely with the technical experts at DACF and the University of Maine Cooperative Extension to understand the chemical and biological hazards that surround food preparation. LD 835 allows a wide exemption to safe food inspections.

Passage of this bill adds a tracking requirement for DACF professional staff to trace which producers are not required to meet state food safety standards based on farm location, point of sale and volume of product. Rather than ensuring safe food for all consumers, DACF would have to determine who must meet safe food license requirements and who is not required to produce food following food safety procedures.

Currently the Center for Disease Control is investigating multiple outbreaks of salmonella that have sickened 400 people. The most common cause is lack of safe procedures for handling backyard chickens, chicks and eggs. These same foods are specifically exempted within the proposed legislation. The Center for Disease Control warns that just looking healthy "does not reveal whether or not products contain salmonella." Eliminating responsibility for food safety without any requirement for standards equal to known safety tolerance is dangerous to consumers, a risky burden to towns and

potentially devastating to food producers who sell hazardous food.

For these reasons, I return LD 835 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Promote Small Diversified Farms and Small Food Producers

(H.P. 584) (L.D. 835)

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. In reading the Chief Executive's veto message, I have to concur with him in his message, and also, I respect the work that our members did in the Committee on this bill, and so I will be sustaining his veto. Thank you.

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

Representative **CHAPMAN**: Yes, thank you, Madam Speaker. Friends and colleagues of the House, this bill is the same bill that received a unanimous vote in Committee in the last session, and it is actually important now in light of the passage and signing into law of LD 725, which allows for local ordinances to control the relationship between the regulations pertaining to direct sales from farmers to consumers. What's left out of that are people in the unorganized territories. That is to say, the people in the unorganized territories do not have the ability to pass local ordinances. This bill, LD 835, functionally is similar to the local ordinances passed by 20 towns in the state that would apply statewide, and although any town, any organized town, is able to pass such an ordinance, the folks in the unorganized territories are not able to. So, although the title of this bill indicates the advantage to small diversified farmers in the state, it's of particular advantage to those in the unorganized territories. And then, finally, the veto letter makes reference to food safety issues. This is not a food safety issue bill, insofar as what it is doing is providing the responsibility for the risk-taking, as there are risks in all food purchases, to the consumer directly by knowing the person that they're buying their food from; and this bill does not apply to any food sales in the retail market or the wholesale market or out of the state. It applies only to local food between a food producer, a farmer, and an end consumer. And for that reason I would hope that you would support our local small diversified farms and, in particular, those in the unorganized territories, and override the veto. Thank you.

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

Representative **TIMBERLAKE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. A while back when I was not here, when I wasn't feeling well, I let one of these get by me. This is not -- I agree with the Chief Executive. I hope you follow my light. This is not a good bill, and I hope you think of what the Committee members on our side voted on this and follow me, please. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. Could I pose a question?

The Speaker: The Representative may proceed.

Representative **TUELL**: My question being for anyone who might have the answer, does -- if this bill is not enacted, what

happens with church suppers and things in rural areas that you've typically not had to have a, have historically, traditionally not had to have, a license for having those events like, say, a food sale or a bake sale or a raffle. Does this still come into play or no?

The SPEAKER: The Representative from East Machias has posed a question to anyone who may be able to answer. The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Yes, thank you, Madam Chair, and I appreciate the question. There are a variety of historical and traditional food ways, ways in which we feed ourselves and our communities and participate in social events, bake sales, church suppers, and the like that, according to the legal structure of the state at the present time, are of questionable legality. Passage of LD 835 would clarify that and make those, some of those traditional food ways specifically legal. Thank you, Madam Speaker.

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

Representative **TIMBERLAKE**: Yes, thank you, Madam Speaker. In my understanding through the Department of Ag, in clarification, is that they would continue just the way they have been for the last hundred years with no change.

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. 415V

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

NAY - Austin S, Bickford, Bradstreet, Chace, Craig, Espling, Foley, Gerrish, Gillway, Ginzler, Haggan, Hanington, Hanley, Harrington, Harvell, Head, Hilliard, Kinney J, Kinney M, Lockman, Lyford, Martin J, McElwee, Ordway, Parry, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Simmons, Sirocki, Spear, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Beebe-Center, Black, Campbell, Dillingham, Farrin, Fredette, Grignon, Hawke, Herrick, Higgins, Malaby, O'Connor, Perkins, Picchiotti, Pickett, Skolfield, Stearns, Theriault, Tipping, Ward.

Yes, 83; No, 47; Absent, 20; Excused, 1.

83 having voted in the affirmative and 47 voted in the negative, with 20 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

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

The SPEAKER: I have one more announcement from the Chair, and thanks for bearing with me. I was remiss in only giving directions to folks about what to expect; and I want to recognize that we are in a unique position right now, and that I know that all of us are here and have worked hard considering so many pieces of legislation over these past six months, and yet the most important and, in fact, the only piece of legislation that we have to pass in the first year of a biennium is the biennial budget, and it's very challenging, I think we all know; but I also want to say to all of you in the chamber today that I know that we can do this. A budget is a blueprint for the state and who we are and where we go; and just as all of us, and our constituents in this chamber, and the different parts of Maine are very, very different from each other, so will that budget be comprised of so many things that not all of us like or that some of us really do like. I think this process has been more challenging than usual, but as we go into these next two days, the one thing I just want to say to folks is, I believe that we can come together and do this in the timeframe that we have, and I thank you all so much for your dedication to this place and this institution; the institution of government and the people of Maine.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry, who wishes to address the House on the record.

Representative **PARRY**: Thank you, Madam Speaker. Just one small correction: there is another piece of legislation that has to be passed, and that's the Highway Fund budget, which is sitting on Unfinished Business; so I would really appreciate that we don't forget all those DOT workers and DMV workers and everything that is done through the Highway Fund, that could be back working right away because we could pass that budget, since it was unanimous out of Committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Grohman, who wishes to address the House on the record.

Representative **GROHMAN**: Thank you, Madam Speaker. I just wanted to echo your words a little bit. An article in the *Wall Street Journal* today about the State of Illinois that has been operating without a budget for two years. People are moving out. A state university actually failed. Hospitals are closing. Everybody is sticking to their views. I think we're all going to go off the cliff together, and there's nobody that's going to come out of this looking good; nobody. So I hope that we can come together and find compromise.

On motion of Representative SEAVEY of Kennebunkport, the House adjourned at 5:26 p.m., until 10:00 a.m., Thursday, June 29, 2017, in honor and lasting tribute to Harvard M. Peabody, of Jonesport; Phyllis Edna Wilder, of Jonesport; Herbert W. Ramsdell, of Limington; and Nick Knowlton, of Lewiston.