

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
28th Legislative Day
Tuesday, April 3, 2018

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 Rabbi Lisa Vinikoor, Beth Israel Congregation, Bath.

National Anthem by Reid Johnson, South Berwick.

Pledge of Allegiance.

Doctor of the day, Mark Grohman, D.O., South Portland.

The Journal of yesterday was read and approved.

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

ORDERS

On motion of Representative WALLACE of Dexter, the following Joint Resolution: (H.P. 1300) (Cosponsored by Senator DESCHAMBAULT of York and Representatives: DOORE of Augusta, FREDETTE of Newport, LYFORD of Eddington, PICCHIOTTI of Fairfield, Senator: KEIM of Oxford)

**JOINT RESOLUTION RECOGNIZING
THE STATE'S CREDIT UNIONS**

WHEREAS, Maine's credit unions are member-owned and member-operated financial cooperatives with an unwavering commitment to serving the needs of their members and communities. The nonprofit structure of credit unions provides each member with an equal voice and representation in the operations of the credit union. Serving members in all 16 Maine counties and in every community, Maine's credit unions are focused on the needs of their member owners with the primary purpose of benefiting the nearly 700,000 Maine consumers who use credit unions; and

WHEREAS, the economic benefit that Maine's credit unions provide to Maine consumers is approximately \$50,000,000 annually, as a result of lower and fewer fees on products and services, lower interest rates on loans and higher interest rates on savings; and

WHEREAS, Maine is ranked as the nation's 5th strongest credit union state based on the percentage of population that uses a credit union, a position Maine has held for 15 consecutive years, and credit unions serve more than half the residents of the State; and

WHEREAS, the 2,250 full-time and part-time employees of Maine's credit unions and the more than 1,000 unpaid volunteers who serve on credit union boards and committees demonstrate the core credit union values, philosophy and mission of people helping people by contributing to the communities they serve, not just with financial services but by fostering a spirit that strengthens communities; and

WHEREAS, since 1990 Maine's credit unions and their members have raised over \$8,000,000 to help end hunger in Maine, including a record-setting \$740,000 in 2017. One hundred percent of all money that is raised through the Maine Credit Unions' Campaign for Ending Hunger stays in Maine and goes directly to assist thousands of Maine families and individuals who otherwise would go hungry. In addition to contributing thousands of dollars to food pantries in communities across the State, Maine's credit unions also help to provide funds for statewide initiatives to help end hunger, such as being the primary source of funding for the State's first

Food Mobile, which has delivered more than 5,200,000 pounds of food to food pantries in every Maine county since 2005; and

WHEREAS, in partnership with the Good Shepherd Food Bank, Maine's credit unions, as major supporters of the BackPack Program and the School Pantry Program, have demonstrated a renewed commitment to ending childhood hunger. The support of Maine's credit unions has helped these programs to grow to serve more than 120 schools and more than 3,500 students weekly and to provide significant help to the one in 4 Maine children who might otherwise go hungry; and

WHEREAS, in 2017 Maine's credit unions contributed more than \$2,500,000 to a variety of causes and organizations, including financial literacy programs such as Youth Financial Fitness Fairs, which were delivered to a record-setting 20,000 high school students during the past school year, the Maine children's cancer program, the Red Cross, Special Olympics and countless organizations in communities across Maine. In the past 15 years, Maine credit unions have contributed more than 450,000 volunteer hours to their communities, an effort that makes a significant and positive impact not only on the organizations that receive this assistance but also on the people who are served by and benefit from the services and resources that they provide; and

WHEREAS, since 1921 Maine's credit unions have been contributing to the betterment of the lives of thousands of Maine people, who have been helped to achieve financial success and stability. Throughout Maine, credit unions continue to play a vital economic and socially responsible role in the lives of individuals and remain a local, significant and stable presence in the communities they serve; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, take this opportunity to recognize the Maine Credit Union League and Maine's credit unions for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities for more than 96 years. Maine is a better place because of the service, dedication and contributions of Maine's credit unions; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Credit Union League and its member credit unions.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative WALLACE: Today I am honored to present a Joint Order for the Maine Credit Union League and the credit union -- the Maine credit unions in general.

The credit unions play an important role in Maine's economy and serve as the backbone of many communities in Maine. There are not many financial institutions that will lend you money to buy a replacement license, a bus ticket to see a sick child, or money to fill your oil tank, but the credit unions will. I have been a proud part of the Maine credit unions movement since the early 1900s -- 1990s, both as a volunteer and lately as a member of the Legislature. Credit unions hold a special place in the financial services of the world. There are over 700,000 members in Maine alone. The mission is to help people -- is people helping people. Over \$8 million has been raised for ending hunger in this state, over \$740,000 raised just this past year. All funds, all 100%, go back to local food banks within the local areas. Countless men... people are much

better off with credit unions in this state. Thank you, Madam Speaker.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

On motion of Representative McCREIGHT of Harpswell, the following Joint Resolution: (H.P. 1331) (Cosponsored by President THIBODEAU of Waldo and Representatives: FAY of Raymond, LAWRENCE of Eliot, LONGSTAFF of Waterville, O'NEIL of Saco, PERRY of Calais, RILEY of Jay, SANBORN of Portland, VACHON of Scarborough)

**JOINT RESOLUTION RECOGNIZING APRIL 3, 2018 AS
NATIONAL SERVICE RECOGNITION DAY**

WHEREAS, service to others is a hallmark of the American character and is central to how we meet our challenges; and

WHEREAS, local governments in the nation are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, including educating students for the jobs of the 21st century, fighting the opioid epidemic, responding to natural disasters and supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills and leadership pathways for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the effectiveness of the organizations they serve, through both their direct service and their management of millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages nonfederal resources to strengthen the effect of volunteer service in communities and increase the return on taxpayer dollars; and

WHEREAS, by making an intensive commitment to service, national service participants demonstrate commitment, dedication and patriotism, attributes that remain with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service works with local leaders nationwide to engage citizens, improve lives and strengthen communities and is joining with the National League of Cities, the National Association of Counties, Cities of Service and local leaders across the country for National Service Recognition Day on April 3, 2018; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 3, 2018 as National Service Recognition Day and encourage residents to recognize the positive effects of national service in our community, to thank those who serve and to find ways to give back to their communities.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Madam Speaker. The Maine Legislature joins today with others all across the country honoring the thousands of volunteers who serve our communities through AmeriCorps and Senior Corps, programs that are part of the Corporation for National and Community Service. Through these programs, thousands of volunteers have served and continue to serve throughout the country, helping nonprofit and public agencies expand their capacity to meet local needs, while building sustainability of these agencies by engaging local volunteers to serve along with them and to continue the effort. The work these volunteers do helps -- includes helping recovery after natural disasters, joining the fight against the opioid epidemic, tutoring and mentoring disadvantaged students, restoring public parks, and many other efforts that help all of us.

Today we welcome members of AmeriCorps and Senior Corps to the Maine Legislature on this National Service Recognition Day. We are honored to have with us members of the programs that I will list. From AmeriCorps, Maine Conservation Corps, Goodwill, AmeriCorps VISTA Partnership, Goodwill's AmeriCorps Multilingual Leadership Corps, Maine Campus Compact, SySTEM REAL AmeriCorps program; and from Senior Corps, Maine General Retired Senior Volunteer Program, RSVP, Opportunity Alliance Foster Grandparent Program, Opportunity Alliance Senior Companion Program, Penquis Foster Grandparent Program, Penquis Retired Senior Volunteer Program, University of Maine Center on Aging Retired Senior Volunteer Program, RSVP. We welcome you and honor your service, and I want to thank you personally as a former school social worker. Grammy in the Home Ec. room was a valued member of the school community. Thank you for your service.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, it's my honor to welcome representatives of AmeriCorps and Senior Corps in celebration of National Service Recognition Day. National Service Corps members fulfill service work in communities across the state and across the country. Their service projects range from conservation work to acting as mentors and providing educational support.

When I was in college, I completed an AmeriCorps service term with the Maine Conservation Corps. It was an incredible experience. I was part of a trail crew that completed projects all over the state. I worked in the Representative from Bethel's district, the Representative from East Machias' district, and the Representative from Stearns' district. During that time, I cultivated skills and experiences which informed my future work and which I use to this day. Serving on a trail team, we spent nine-day shifts in remote locations. We spent our work day and our downtime together, from the moment we woke up to the moment we tucked into our tents for the night. It was a real-life lesson in living and working in community with others. We performed demanding physical work, sometimes in less than ideal weather conditions. I remember for a month straight in Newry, it rained every single day. We were exhausted, and because we were sleeping in tents on the side of the mountain, everything we owned was filthy and permanently damp. But we really learned how to keep things fun and light, how to communicate well, and how to treat one another with respect. Those takeaways certainly benefit me here in Augusta.

My service term also increased my desire to live and work in Maine once I finished college. I was able to work in some of the most beautiful places I had ever seen and enhance those spaces for others to enjoy. That investment of my time and effort connected me on an even deeper level to Maine as my home. These women and men are making an important contribution to the State of Maine. Through their service, they are meeting the needs of communities across the state, while cultivating skills and connections that will serve them in all their future endeavors. Today, we thank you for your service. Your service tells a story about who you are and what you have to offer, and we look forward to the great things you will accomplish.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

On motion of Representative HERBIG of Belfast, the following Joint Resolution: (H.P. 1332) (Cosponsored by Representatives: AUSTIN of Skowhegan, BABBIDGE of Kennebunk, BAILEY of Saco, BATES of Westbrook, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BLUME of York, BROOKS of Lewiston, BRYANT of Windham, CARDONE of Bangor, COOPER of Yarmouth, DeCHANT of Bath, DENNO of Cumberland, DEVIN of Newcastle, DOORE of Augusta, DUNPHY of Old Town, FARNSWORTH of Portland, FAY of Raymond, FECTEAU of Biddeford, FREY of Bangor, GATTINE of Westbrook, Speaker GIDEON of Freeport, GOLDEN of Lewiston, GRANT of Gardiner, HANDY of Lewiston, HICKMAN of Winthrop, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, KORNFELD of Bangor, KUMIEGA of Deer Isle, LAWRENCE of Eliot, LONGSTAFF of Waterville, MADIGAN of Waterville, MARTIN of Sinclair, MASTRACCIO of Sanford, McCREIGHT of Harpswell, MELARAGNO of Auburn, MONAGHAN of Cape Elizabeth, MOONEN of Portland, NADEAU of Winslow, O'NEIL of Saco, PERRY of Calais, POULIOT of Augusta, RECKITT of South Portland, RILEY of Jay, RYKERSON of Kittery, SANBORN of Portland, SCHNECK of Bangor, SPEAR of South Thomaston, STANLEY of Medway, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, TIPPING of Orono, TUCKER of Brunswick, WARREN of Hallowell, ZEIGLER of Montville, Senators: CHENETTE of York, GRATWICK of Penobscot)

**JOINT RESOLUTION TO SUPPORT
FAMILY CAREGIVERS IN MAINE**

WHEREAS, the population of Maine is aging and Maine currently has the highest median age in the country; and

WHEREAS, the majority of Maine citizens wish to remain in their homes and communities as they age; and

WHEREAS, providing care in homes and communities is less costly than providing care in institutional settings; and

WHEREAS, a family caregiver can be a spouse, partner, adult child, other relative, friend or neighbor who has a significant relationship with, and who provides a broad range of assistance to, an adult dealing with the challenges of age, illness, injury or chronic or disabling conditions; and

WHEREAS, currently, there are 178,000 family caregivers in Maine; and

WHEREAS, family caregivers in Maine provide an estimated 165,000,000 hours of unpaid care annually, which can be valued at nearly \$2,220,000,000; and

WHEREAS, family caregivers spend, on average, between \$6,954 and \$11,923 out of pocket annually in caring for their loved ones; and

WHEREAS, 69,000 family caregivers in Maine are caring for a loved one with Alzheimer's disease; and

WHEREAS, the Maine Legislature has passed various provisions into law in support of family caregivers, including the State Plan for Alzheimer's Disease and Related Dementias in Maine; an Act To Allow a Patient To Designate a Caregiver in the Patient's Medical Record, informally known as the CARE Act; and the Maine State Housing Authority's home accessibility modification tax credit; and

WHEREAS, the United States Senate and United States House of Representatives are currently considering proposed federal legislation, The Credit for Caring Act of 2017; and

WHEREAS, in January 2018, President Trump signed into law the RAISE Family Caregivers Act, which was supported by Maine's entire congressional delegation; and

WHEREAS, family caregivers often work full-time or part-time while providing care for a loved one, without access to paid family leave, while others are forced to leave the workforce, for a period of time or permanently, to provide care; and

WHEREAS, the ratio of potential family caregivers to the growing number of those who need care has already begun a steep decline; and

WHEREAS, direct care workers, certified nursing assistants, personal care attendants, home health aides and certified geriatricians cannot meet the current or projected need in Maine; and

WHEREAS, the National Academies of Sciences, Engineering, and Medicine reports that the need to recognize and support family caregivers is the most significantly overlooked challenge facing the United States; and

WHEREAS, Maine must find ways to support family caregivers in their efforts to provide care to loved ones, allowing Maine citizens to safely and comfortably age in their own homes, helping to preserve communities and avoiding the expense of institutional care; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, support the review of state policies and programs for their effectiveness in addressing the needs of family caregivers and their loved ones and recognize November as Maine Family Caregivers Month and encourage Maine citizens to participate in activities related to National Family Caregivers Month; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be sent to the Department of Health and Human Services.

READ and ADOPTED.
Sent for concurrence.

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 1333) (Cosponsored by Senator VOLK of Cumberland and Representatives: ACKLEY of Monmouth, ALLEY of Beals, AUSTIN of Skowhegan, BABBIDGE of Kennebunk, BAILEY of Saco, BATES of Westbrook, BEAR of the Houlton Band of Maliseet Indians, BEEBE-CENTER of Rockland, BLUME of York, BROOKS of Lewiston, BRYANT of Windham, CARDONE of Bangor, CASÁS of Rockport, CEBRA of Naples, CHAPMAN of Brooksville, COLLINGS of Portland, COOPER of Yarmouth, DeCHANT of Bath, DENNO of Cumberland, DEVIN of Newcastle, DOORE of Augusta, DUCHESNE of Hudson, DUNPHY of Old Town, FAY of Raymond, FECTEAU of Biddeford, FREY of Bangor, Speaker GIDEON of Freeport, GINZLER of Bridgton, GRANT of Gardiner, GROHMAN of Biddeford, HANDY of Lewiston, HARLOW of Portland, HICKMAN of Winthrop, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, KORNFIELD of Bangor, LAWRENCE of Eliot, LONGSTAFF of Waterville, LUCHINI of Ellsworth, MADIGAN of Waterville, MARTIN of Eagle Lake, MARTIN of Sinclair, MASTRACCIO of Sanford, McCREA of Fort Fairfield, McCREIGHT of Harpswell, MONAGHAN of Cape Elizabeth, NADEAU of Winslow, O'NEIL of Saco, PARKER of South Berwick, PIERCE of Falmouth, RECKITT of South Portland, RILEY of Jay, SAMPSON of Alfred, SANBORN of Portland, SCHNECK of Bangor, SHEATS of Auburn, STANLEY of Medway, SYLVESTER of Portland, TEPLER of Topsham, TERRY of Gorham, TUCKER of Brunswick, WARREN of Hallowell, ZEIGLER of Montville, Senators: BELLOWS of Kennebec, BREEN of Cumberland, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, GRATWICK of Penobscot, HILL of York, JACKSON of Aroostook, KATZ of Kennebec, LANGLEY of Hancock, LIBBY of Androscoggin, MAKER of Washington, MASON of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of Sagadahoc, WOODSOME of York)

**JOINT RESOLUTION RECOGNIZING APRIL 2018 AS
AUTISM AWARENESS MONTH**

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, in the United States, one in 68 children is diagnosed with this spectrum disorder and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle nor education affects its occurrence and it is estimated that more than 3,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States over \$137,000,000,000 in annual health care costs, most of which are in adult services, and these costs are anticipated to increase; and

WHEREAS, while a single specific cause of autism is not known, current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in our deliberations to acknowledge that the month of April 2018 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

READ.

The SPEAKER PRO TEM: The Chair is pleased to recognize the Representative from Portland, Representative Farnsworth.

Representative **FARNSWORTH**: Thank you, Madam Speaker. I've had the privilege and the exciting ability to experience through my career some of the most incredible changes that have occurred in the field of autism. Working in developmental disabilities since the -- well, we won't say when I started. We have been able to move from maybe some ideas about early intervention to the point now where we're talking about early intervention as being a key to early diagnosis and treatment for individuals with autism, that have been diagnosed with autism. And the important part of that, however, is that in the early treatment and moving forward through special education and other kinds of options, autism is no longer something that needs to be feared by families as much as it is to be seen as an opportunity for young people to go out and become productive in our society. So, while this is Autism Awareness Month, and I certainly think that that's critical, nonetheless, I think we also need to see it as autism opportunity month. Maine is going through a workforce crisis currently, and this, I think, gives employers an opportunity to take a second look at our young adults with autism and see how, with reasonable accommodations, we can hire them and help them to become productive citizens. So it's an exciting time, and I think we should all kind of rejoice in this opportunity. Thank you very much.

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

Representative **HANDY**: Thank you, Madam Speaker, Members of the House. I am the uncle of a child with autism, and all children on the autism spectrum aren't the same. They may exhibit similar qualities, and I use the word qualities because they are productive individuals like you or I. Autism affects one in 50 school-aged children. It is the fastest-growing developmental disability in the United States. It costs families tens of thousands of dollars every year. Autism research receives less than 5% of the funding of many less-prevalent childhood diseases, and boys are nearly five times more likely than girls to have autism. Please don't say to me, "I'm sorry." Autism is a part of his life, it is not everything he is, and my nephew is so much more than a diagnosis.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterville, Representative Madigan.

Representative **MADIGAN**: Thank you. Ladies and Gentlemen of the House, I've had the pleasure of working as a clinical social worker for many years, and in that time, I've worked with a number of people who have a diagnosis of being on the autism spectrum. One of my good friends is on the spectrum, and she's an amazing artist, and she's incredibly funny, and she makes me laugh all the time. I've learned

incredible things from people with autism, and I think some of those things we could all benefit from knowing. I think sometimes there's a misunderstanding that people who have autism don't feel the way we do, when in my experience, some of the deepest lessons I've learned in my clinical work and in my personal life have come with people on the spectrum, when I've learned they feel things deeply and can express them in ways that I never thought that I would see. So, I ask us all to have understanding and take the chance to get to know someone who has a diagnosis like this, because you'll be really surprised at the depth of their feelings, the way they look at things, and it's an opportunity to broaden your own life, too. Thank you very much.

Subsequently, the Joint Resolution was **ADOPTED**.
Sent for concurrence.

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dysarts, of Bangor and Hermon, which has been named the 2018 Business of the Year by the Bangor Region Chamber of Commerce. We extend to everyone at Dysarts our congratulations and best wishes;

(HLS 1060)

Presented by Representative GUERIN of Glenburn.
Cosponsored by Senator GRATWICK of Penobscot, Representative FREY of Bangor, Representative KORNFIELD of Bangor, Representative SCHNECK of Bangor, Representative CARDONE of Bangor, Representative REED of Carmel.

On **OBJECTION** of Representative GUERIN of Glenburn, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **GUERIN**: Thank you, Madam Speaker. My sincere congratulations to the Dysart family on being named the 2018 Business of the Year by the Bangor Region Chamber of Commerce. David Dysart and his family opened Dysart's Restaurant for the very first time on Mother's Day in 1967. They had a line out the door, and their success has only grown since then. They have added nine travel stops throughout Maine since 1990, and in 2014, they opened a second restaurant on Broadway in Bangor. Today, 45 years after their opening, Dysart's continues as a family-owned restaurant and operated business that supports Maine farmers, Maine food service vendors, and serves hundreds of hungry truckers, travelers, and locals 24 hours a day, seven days a week at their Coldbrook Road restaurant and truck stop. So, whenever you're in the Bangor area and you're hungry, think of Dysart's, a Maine tradition in good food and hospitality.

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

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

Representative **ESPLING**: Thank you, Madam Speaker. Permission to speak on the record?

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

Representative **ESPLING**: Thank you, Madam Speaker. Steve and Natalie Chandler are here with us today, and they are being recognized. They were recognized earlier in the other body with a Special Sentiment. And they were being recognized today for their permanent conservation of 2,500 acres of working forest in Maine, the family ownership of some of which dates back before the American Revolutionary War.

Managing their land has been a lifelong labor of love, so they began what turned out to be a 12-year conversation with their heirs about the future of the land, wanting to ensure it would always be managed according to their ideals and principles. They ultimately decided to convey their land to Maine Woodland Owners to continue their legacy. The land will remain as working forest land, never to be developed, be open to the public and be on the local tax rolls. And we recognize them today for their generous gift to the Maine people, and I just wanted to add that Steve and Natalie are very well-respected members of the Town of New Gloucester, and they have taught our own community a lot about what it means to be a good steward of their land, also about good management practices of land. They have really done so much for our town, and now they have done so much for our state. So I just want to congratulate them on that today, and thank them so much for their gift to us.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Ensure Protection and Health Insurance of Patients"

(S.P. 339) (L.D. 1032)

Signed:

Senators:

WHITTEMORE of Somerset
DOW of Lincoln

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-394)** on same Bill.

Signed:

Senator:

CARSON of Cumberland

Representatives:

LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland
MELARAGNO of Auburn
SANBORN of Portland

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-394)**.

READ.

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

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

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

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

ROLL CALL NO. 555

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

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

ABSENT - Battle, Campbell, Craig, DeChant, Foley, Frey, Gillway, Riley, Sherman, Ward.

Yes, 77; No, 64; Absent, 10; Excused, 0.

77 having voted in the affirmative and 64 voted in the negative, with 10 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-394)** 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-394)** in concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-395)** on Bill "An Act To Create the Hire American Tax Credit for Businesses That Hire Residents of the United States"

(S.P. 643) (L.D. 1744)

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
COOPER of Yarmouth
POULIOT of Augusta
STANLEY of Medway
TEPLER of Topsham
TERRY of Gorham
WARD of Dedham

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

Signed:

Senator:

DOW of Lincoln

Representatives:

BICKFORD of Auburn
GRANT of Gardiner
HILLIARD of Belgrade

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-395) AS AMENDED BY SENATE AMENDMENT "A" (S-412)** thereto.

READ.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development" (EMERGENCY)

(H.P. 1255) (L.D. 1810)

Signed:

Senators:

CUSHING of Penobscot
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 "A" (H-707)** on same Bill.

Signed:

Senator:

WOODSOME of York

Representatives:

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

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **BERRY**: Thank you, Madam Speaker Pro Tem. Madam Speaker, Men and Women of the House, the bill before us, with great respect to its sponsor and to our Chief Executive from whom the bill comes, is really a troubling signal -- would be a troubling signal, were it to pass, to the marketplace and to many Maine-based businesses that are providing jobs and investments here in our state.

LD 1810 would dramatically alter the so-called expedited permitting territory for wind energy development. This is a territory that was created ten years ago in Maine by unanimous vote of this body and the other body at that time, and after extensive discussion and stakeholder involvement. I was here, as was my colleague, the Representative from Farmington at that time, and I recall how important it was to all of us at that moment to create clear rules of engagement for investment in Maine and in production of renewable energy, specifically wind. The elimination of red tape has not come without some growing pains, and all energy sources, including renewables like wind, do have some negative impacts. But if we cannot accept some of the impacts of wind power, Madam Speaker, we will likely suffer greater impacts from the alternatives.

The proponents to this bill numbered roughly half a dozen, and the opponents numbered roughly four times as many. The Maine Forest Products Council is opposed to the bill. They're concerned that this will take away jobs in the forest products industry, that the zoning system that we currently have is a fair compromise, and that the proposed visual impact standard in the bill is unreasonable. They state that LD 1810 ignores the accumulated science, legislative history, and compromises that went into the establishment of regulatory standards, and would discourage investments in the areas of Maine that need it most.

Some of those compromises they refer to are measures that have been taken in the intervening ten years, Madam Speaker, which allowed for withdrawal from the expedited territory based on local control. That has happened, and so localities that wanted to withdraw have done so. But this bill goes entirely too far, and would unravel all of the work and the compromise that has gone into the last ten years of process.

Folks from the affected area came and told us not to pass the bill. Among them were the Friends of Lower and Middle Lead Mountain Ponds. The Nature Conservancy urged us to oppose the bill. Many of the claims made by opponents are that the wind farms are causing trouble for bats and bird migration, and we looked to science-based organizations like that Nature Conservancy and Maine Audubon as well, which also opposed the bill, for guidance in that arena. Maine Audubon was very clear that they are opposed to the bill and that the expedited permitting area created ten years ago "is not the scourge to the environment that this bill would have you think. This bill would have the effect," they say, "of signaling to developers that Maine doesn't want wind. Responsibly sited and operated wind power, along with other renewable energy sources and energy conservation, minimizes harm to birds, wildlife, and their habitat in comparison to fossil fuels," etc.

My colleague from Dresden, from across the river, came and gave very passionate testimony to us as a member of the Environment and Natural Resources Committee, and I'll leave him to speak to that.

The Appalachian Mountain Club, certainly a party that is concerned about the protection of our western mountains, urged us to oppose this bill. They stated that, since 2008, they have worked to improve the law created ten years ago and to

correct deficiencies. "Among the changes have been a requirement for consideration of cumulative impact, stronger protection for high-elevation Bicknell's Thrush habitat, and the process by which residents of the unorganized territories could have their township removed from the expedited permitting area, which 40 townships and plantations took advantage of. AMC feels strongly that the changes proposed in this bill are extreme and unsupported by analysis or evidence." They go on, "We do not support the proposed significant reduction in the expedited permitting area. There may be benefits to refining it to better identify suitable regions and protect unsuitable ones, but a unilateral determination from the Office of the Chief Executive without any meaningful study or review is not the appropriate way to proceed."

Contractors and businesses in Maine, and businesses that want to invest in Maine that are from away, came in droves to testify against the bill. The American Council of Engineering Companies of Maine testified that it would significantly reduce the amount of investment and job creation in Maine if it were to pass. Reed & Reed, an outstanding Maine-based company in my area, testified that it would significantly damage the job creation potential in Maine and send a signal that Maine is not open for business. The Maine Renewable Energy Association, as you might expect, testified against the bill, and pointed out that, under current law, the expedited territory is perhaps ten times bigger than it would be if this bill were to pass. Only a portion of Aroostook County would be left in the expedited territory were this bill to pass as originally proposed. The Associated General Contractors of Maine also testified against the bill. I could go on, but I'll save you all the trouble and simply say that capital investment requires predictability. This bill is not one that would send a signal of predictability to the markets that would attract investment in Maine. We want to send a signal that Maine is open for business, not closed for business. And so, Madam Speaker, I urge the members of this body to support the pending motion, to vote Ought Not to Pass on the bill, and I also request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **STETKIS**: Thank you, Madam Speaker. You had me worried there for a minute. I stand in opposition of the current motion. LD 1810 isn't about whether or not you support or even like wind power or not. LD 1810 is about economic development, and protecting well over 22,000 tourism industry jobs and a growing \$1.8 billion per year tourism industry amount around Maine's mountains and lakes.

Over the last decade, as industrial wind sprawl has become more prevalent worldwide, there is a growing negative -- there's growing negative data showing that a large percentage of tourists prefer the natural, unspoiled environment while on vacation, rather than having to look at dozens of 500 or 600-foot machines with blinking red lights on the horizon.

This bill simply removes a lot of highly sensitive, pristine natural areas in Maine from being fast-tracked when it comes to industrial wind projects, including the new 88,000-acre national monument that has been preserved for its natural uniqueness. The bill also expands the distance in which a visual impact assessment is required when siting these projects, in order to protect scenic resources of state and natural significance as outlined in the Maine Wind Energy Act.

It does not ban these projects from moving forward, just

returns the permitting process to a more thorough and thoughtful process, like the coastal areas of the state now enjoy.

One of the recent studies that I referred to in the public hearing was one done by North Carolina State University. In North Carolina, they have a very large tourism industry on the coast, so this study involved offshore wind visible from the beaches and rental properties. Part of the summary of the 55-page study states, "Results indicate that there is not a scenario for which respondents would be willing to pay more to rent a home with turbines in view as compared to the baseline view with no turbines in sight. Further, there is a substantial portion of the surveyed population that would change their vacation destination if wind farms were placed within visual range of the beach."

Madam Speaker, keep in mind the study -- that this particular study, these are 500-foot machines out in the ocean with a light-blue sunny horizon in the background, and 54% of the repeat vacationers would change their vacation destination. In Maine, most turbines are sited on mountains with dark-green foliage surrounding them, a 500- or a 600-foot wind turbine, the size of a 60-story building, would be even more visually intrusive and negatively impactful for a vacationer coming to Maine for a one-of-a-kind, pristine outdoor recreational experience.

In just three Maine tourism zones that I've concentrated on, a negative impact of 54% would be nearly a \$1 billion-per-year loss. There's no way to know if this would be the case until it was too late, but are we willing to risk even a small, 10% negative impact? Ten percent would be about \$200 million per year, and hundreds of Maine jobs. Ladies and gentlemen, our state already produces 90% of all of New England's wind power. I think we are doing more than our fair share. Oppose the current motion so we can move to protect Maine's tourism industry by ending the fast-tracking of industrial wind sprawl, to a more thorough and thoughtful pace for Katahdin, Moosehead, the Kennebec River Valley, and the Rangeley Lakes Region, like other parts of the state enjoy. Thank you, Madam Speaker.

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

Representative **PIERCE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm here to speak in favor of this motion, 1810. Last session we had LD 901 and our Committee looked at, and through those discussions, at 8-mile visual impact, a 600-foot tower looks like a half an inch. If you think about that, that's not as big as -- thick as your pinkie. I have thick pinkies, though. So, some of the things that, when we talk about expedited wind: an expedited project is six years and about \$30 million of investment. I don't call that expedited. To me, expedited is like six months, but... I've been in a construction company 31 years. I look for a job every month. These construction jobs are good jobs and they provide a lot of income, \$2.1 billion in the last ten years to the State of Maine.

So, when we look at these projects, we ought to look at landowner rights. Some people who have 70,000 acres, and might want to monetize their property. A lot of people monetize their property now with their farms by having cows and cutting hay. Some people use it to have wood lots. So, I hope we just take a deep breath and realize that nobody's going to develop Greenville as wind. Nobody could ever get a permit through, because of its scenic beauty, and I wouldn't support wind on Misery Ridge, either. But there are a number of places in Maine where an expedited project at 8 miles is -- nobody would ever notice except for maybe a few individuals,

where their towns would benefit from \$4,500 per turbine going into their tax base. This helps fund our schools, bridges, and of course it helps grade the roads, because there's not a lot of tar up there. So, I hope you can protect landowner rights and people who own property to be able to monetize their property in the backwoods of Maine. Thank you.

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

Representative **CHAPMAN**: Thank you, Madam Speaker Pro Tem. Friends and Colleagues of the House, I rise for a little information here. We've had an interesting debate on a section of the bill that is not actually before us. The part of the bill that is before us, that is to say, were we to reject the motion that's on the floor and go to the Minority Report, that amendment has to do with the visual distance of wind turbine development, and does not have to do with the expedited areas.

The expedited areas referred to a pre-zoned area, and I'd be happy to explain to anyone who is interested why whether an area is pre-zoned or not pre-zoned makes little difference to a wind power developer. But I'm not going to take the time to do that now, since that issue is not before us. I would like to make a mention of the matter that is before us, which has to do with whether or not the 8-mile visual distance should be extended to 15 miles. And the information I want to bring, Madam Speaker Pro Tem, is that most of us are not accustomed to knowing how far away we're looking when we're looking at things at some distance, and it occurs to me that, if members of this chamber have traveled on I-95 between Maine and New Hampshire, and if you were, say, a passenger in a vehicle going over the Piscataquis River Bridge and were able to look south, a little east of south, to see the Seabrook nuclear reactor containment building, that's a distance of 15 miles.

If, like myself, you travel more in a different direction, for instance between Waldo County and Hancock County over the Penobscot Narrows Bridge, and you were entering the bridge from the Waldo County and looked as far down river as possible, what you would see on the horizon is a mountain on the -- in the state park in my hometown, where I walk my dogs, and that distance is also about 15 miles. And then, as has been alluded to previously, to get a sense of what a wind turbine looks like at that distance, if anyone has a mechanical pencil that has 0.5 mm lead in it and you extend the lead out of the pencil about half an inch, and hold that pencil about eight and a half feet away from you, that's what the -- that's what the pipe that windmills are supported by would look like at a distance of 15 miles, and the diameter of the spinning turbines blades would be roughly a little less than -- well, about half an inch in diameter around that pencil lead. And, if you wanted to know what it looks like at 8 miles, which is the current law, then you would bring that to about four and a half feet away from you. I thought that might be helpful. I certainly would not try to argue on the beauty of wind turbines. Beauty is in the eye of the beholder. I have a very funny story about that, but I'll leave that for another time. Thank you, Madam Speaker Pro Tem.

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

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

Representative **RYKERSON**: Thank you, Madam Speaker. Men and Women of the House and Madam Speaker, I just wanted to do -- talk about a clarification on this bill and its relationship to tourism. It's really only applicable to the mosquito areas of Maine. Thank you.

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

Representative **SANBORN**: Thank you, Madam Speaker. My good friend from Canaan indicated that LD 1810 is about economic development and protecting tourism jobs, and so the Minority Report that we would get to if this motion were to fail would amend the visual impact standard. And so I had to reflect on that visual impact question, because for every weekend of most of my life, I've been driving to the western mountains where my parents now live in Carrabassett Valley. My family from southern Maine was privileged to do so for recreation purposes, but I was taught at an early age as we drove down the Crash Road into Jay each Friday night that the smell of the mill in Jay was the smell of making money. I understood that our forest products industry was critical to Maine's entire economy, not just to our rural economy. And so, when I would see the streaks of clear-cut areas on the sides of the hills that can be viewed from the tops of Sugarloaf or along Route 27, I understood that my aesthetic understanding of those streaks on those hillsides had to be informed by my understanding that we had to have a sustainable economy throughout the state.

And so my aesthetics -- my aesthetic understanding of the hilltops that are now dotted with wind turbines is similarly informed by my understanding of the importance of economic development throughout the state. That economic development cannot be based solely on tourism jobs and the service jobs that spring from tourism. Instead, we also need construction jobs, we also need timber jobs, we also need paper mills. Private property rights are also critical, and that's something that I was brought up to believe as well. And so, when I see the wind turbines dotted along the ridges from the top of a ski area, to me they look like hope. They look like hope that we'll still have a tourism industry based on snow sports in 50 years, because we won't have so much global warming that it ceases to snow in Maine. They look like hope that we will have clean air and clean water, because we have renewable energy in our energy mix. And so, to me, they look beautiful, and I think that's something really important that we have to understand when we consider what the visual impact standard ought to be. The 8-mile standard works well, and therefore I urge you to support the motion on the floor. Thank you.

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

Representative **STEARNS**: Thank you, Madam Speaker. I spent quite a bit of time on this issue, and one of the things that really amazes me about this particular topic are the strange bedfellows that have teamed up in an effort to keep this wind industry up and running, or attempting to keep it up and running.

We know an awful lot more about these towers than previous Legislature did ten years ago. I would encourage us to have a little bit of Yankee wisdom, which Maine was noted for and I hope still is, and to maybe look at what our friends in Vermont, New Hampshire, Massachusetts, a huge part of Maine, Connecticut have decided: that this is a great idea, in somebody else's backyard. It's a really good idea, but I'd

prefer not to look at those. I can tell you firsthand from experience. My wife and I worked all of our lives to be able to purchase a piece of property on shorefront in Maine. It's not Moosehead Lake, it's not high rent, but it's a lovely little cottage on the edge of the water. I'm not allowed to put a 2x4 on the front of that camp, because it would dramatically change the way that camp fits into its natural surroundings. Yet, my neighbor across the pond, six miles out, was able to put up 450-foot high towers that spin occasionally when the wind blows. The company has been sold a couple of times since they put those up, and I get to watch blinking red lights at night in unison. It doesn't sound like a whole lot, but there weren't too many people up my way that had much say in that.

As far as business in Maine, I am not a prude. I am not an environmental prude. I believe in sound conservation practices; and why would we want most of those contractors to have to travel so far to put up these wind towers when, if the entire State of Maine operated under the same rules, that's all we're asking, perhaps they'd be located a little bit closer to where some of these contractors are, and save them a lot of time and trouble; and it would also put the wind, the generation of the wind, closer to where the power is going to be used, which is not up in the north Maine woods. The power, as you know, we lose electricity, electrons don't travel well. Our forefathers would certainly not put a paddlewheel by the river and then go off 150 miles up into the woods and open up their factory. It just doesn't make a whole lot of sense.

This bill does not curtail wind developing in Maine. As a matter of fact, the good Representative from Brooksville, he got me to thinking that if I owned property down on the coast, I'd be really in favor of that 15-mile. And it's not a limit, it's a 15-mile consideration. So that when people review the siting of these windmills, they at least have to consider the impact out at 15 miles. From my living room, if you call it that, in my little camp, I can tell you the -- I think these are about 6.3 miles away, and they are so far out of place in that environment that it really truly is shocking. The newer models to come in, my understanding is that once the first 600-footer goes up, it'll be the third largest structure in New England. I believe the Hancock Building and the Prudential Building are the other large ones. A 600-foot tower up on a mountaintop in Maine is just not where we want to go. But, again, that's beside the point. All I'm asking is that we treat the entire state, even those with less citizens, less attorneys, and less government structure, in the same fashion. Thank you.

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

Representative **WADSWORTH**: Thank you, Madam Speaker. The current real-time wind power energy mix, according to my ISO app, is 2%. So, only 2% of our current electricity is being powered by wind. That's a lot of mountains we've blown up for 2%.

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

ROLL CALL NO. 556

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Haggan, Hamann, Handy, Hanington, Harrington, Herbig, Herrick, Hickman, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford,

Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCreia, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Simmons, Spear, Stanley, Stewart, Strom, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Hanley, Harlow, Harvell, Hawke, Head, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Prescott, Reed, Sampson, Sanderson, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Battle, Craig, Foley, Frey, Gillway, Perry, Riley, Sherman, Ward.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-705)** on Bill "An Act To Enact the Maine Fair Chance Employment Act"

(H.P. 1079) (L.D. 1566)

Signed:

Senators:

VOLK of Cumberland
BELLOWS of Kennebec
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland
VACHON of Scarborough

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

Signed:

Representatives:

LOCKMAN of Amherst
STETKIS of Canaan

READ.

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

CONSENT CALENDAR

First Day

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

(S.P. 708) (L.D. 1863) Bill "An Act Regarding the Limit on the Number of Children Who May Be Placed in a Single Foster Home" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-430)**

(H.P. 607) (L.D. 858) Bill "An Act To Strengthen the Law Regarding Dangerous Dogs" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-706)**

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

There being no objection, 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

Acts

An Act To Protect Licensing Information of Medical Professionals

(S.P. 430) (L.D. 1267)

(C. "A" S-424)

An Act To Amend the Laws Governing Education

(H.P. 1271) (L.D. 1829)

(C. "A" H-694; S. "A" S-427)

An Act To Amend the State's Electronic Waste Laws

(H.P. 1284) (L.D. 1847)

(C. "A" H-696)

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.

An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training

(H.P. 1282) (L.D. 1845)

(C. "A" H-695)

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

On motion of Representative GOLDEN of Lewiston, was **SET ASIDE.**

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

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 item was 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.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "B" (H-678)** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Substance-exposed Infants"

(H.P. 746) (L.D. 1063)

TABLED - March 27, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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 York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Madam Speaker. There are people in Maine who do not, by their circumstances, get enough information about family planning efforts, people who are in very risky situations and would benefit from hearing about their options. This is a bill that would use resources, \$120,000 from the General Fund, to correct that. So, this is targeted toward women and adolescents who are experiencing substance use disorder, housed in correctional facilities, experiencing homelessness, or living in other circumstances that indicate a need for family planning services. So, I hope that you can find it to support the pending motion. Thank you, Madam Speaker.

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

Representative **HAMANN**: Thank you, Madam Speaker, Men and Women of the House. Maine is in the midst of an opioid crisis. We're all aware. Not only did 418 Mainers lose their lives last year to this horrible poison, last year 952 babies were born addicted to heroin; 952 Maine infants. In 2005, that number was 165 drug-affected births. It's increased by over five and a half times from about one and a half percent of all births, and now it's over eight percent. This is a crisis.

Too many Mainers are trapped in the grips of addiction. We hear about it every day. But when it comes to pregnancy, nearly all women battling addiction do not have the resources to decide if they want to start a family. In fact, among women struggling with opioid use, nearly nine in ten pregnancies are unplanned. They recognize that it's not the right time in their lives, yet they lack the resources or health care to avoid pregnancy. The good news is, there's already a solution. Long-acting, reversible contraceptives, or LARCs, are extremely effective because they eliminate the risk of human error. Methods like IUDs and subdermal implants are the most effective birth control available. They're effective for as long as ten years, and they are completely reversible whenever the time is right to become pregnant.

In the past, the problem with LARCs has been the cost, which has put them out of reach for many women, particularly women without insurance. Recognizing that barrier, this body

enacted legislation in the 127th Legislature directing the DHHS to join 25 other states in creating a limited family planning benefit in the state Medicaid program, to provide Medicaid-covered family planning services to a larger population of uninsured individuals. The MaineCare family planning benefit targets women who are not currently eligible for MaineCare coverage, but who would be eligible if they become pregnant. The limited family planning benefit helps these women avoid unintended pregnancy. The program improves the health of women and their families, reduces the rates of abortion and unintended births, and saves Maine millions of dollars in MaineCare and other public benefits.

The problem is the lack of awareness that this valuable service is available, a lack of awareness that this cost-saving service is available to help empower women battling substance use disorder avoid unintended pregnancy. So, LD 1063 simply provides the resources for outreach to women at risk of giving birth to a substance-exposed infant. Outreach will target women who are experiencing substance use disorder, housed in correctional facilities, experiencing homelessness, or living in other circumstances that indicate a need for family planning services. The funds in the fiscal note will pay for positions that are hired specifically to conduct outreach in these areas, and inform women of the MaineCare family planning benefit options available to them, reducing the rate of unintended pregnancy and protecting infants from substance exposure. This bill does not make this highly effective birth control method available. It's already available. This bill supports community outreach to help women battling substance use disorder understand that this benefit is available to them. And when 952 infants are born substance-exposed each year, up from 65 just a few years ago, this modest investment will go a long way toward reversing that troubling trend. When it comes to protecting substance-exposed infants, let's do everything we can. Our kids deserve no less. Thank you, Madam Speaker.

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. 557

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

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

ABSENT - Battle, Craig, Foley, Gillway, Grohman, Riley, Sanderson, Sherman, Ward.

Yes, 77; No, 65; Absent, 9; Excused, 0.

77 having voted in the affirmative and 65 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 "B" (H-678)** 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" (H-678)** and sent for concurrence.

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Establish Universal Home Care for Seniors and Persons with Disabilities"

(I.B. 3) (L.D. 1864)

Bill and accompanying papers **INDEFINITELY POSTPONED** in the House on March 29, 2018.

Came from the Senate **REFERRED** to the Committee on **TAXATION in NON-CONCURRENCE**.

Representative **ESPLING** of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative **HERBIG** of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This was a matter that we saw the other day. We were really pushing very hard for this issue to be put forth in a public hearing. We still feel strongly about that, as a matter of process, that this should have a public hearing. I hope that you will support the Recede and Concur motion, which would enable this item to go to the Tax Committee. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker. In Health and Human Services, with each bill that comes across our desks, I ask myself, "What's the problem, and is this bill the solution?" The citizens' referendum bill identifies problems, but the solution is messy and poorly considered. I would like to refer this bill to the committee of Maine voters, where I will be speaking in opposition at public, public hearings. Thank you.

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

ROLL CALL NO. 558

YEA - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault,

Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

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

ABSENT - Battle, Craig, Foley, Gillway, Riley, Sanderson, Sherman, Ward.

Yes, 68; No, 75; Absent, 8; Excused, 0.

68 having voted in the affirmative and 75 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker **GIDEON** of Freeport moved that the House **INSIST**.

Representative **ESPLING** of New Gloucester moved that the Bill be **TABLED** until later in today's session pending the motion of Speaker **GIDEON** of Freeport to **INSIST**.

Representative **HERBIG** of Belfast **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Speaker **GIDEON** of Freeport to **INSIST**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Speaker **Gideon** of Freeport to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 559

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

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, 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, O'Neil, Parker, Perry, Pierce T, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Craig, Foley, Gillway, Harvell, Riley, Sanderson, Sherman, Ward.

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

67 having voted in the affirmative and 75 voted in the negative, with 9 being absent, and accordingly the motion to

TABLE until later in today's session pending the motion of Speaker GIDEON of Freeport to **INSIST FAILED**.

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

Non-Concurrent Matter

Bill "An Act To Streamline Advocacy for Maine Small Businesses by Relocating the Bureau of the Special Advocate within the Department of the Secretary of State to the Department of Economic and Community Development"

(H.P. 1218) (L.D. 1764)

Majority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on March 15, 2018.

Came from the Senate with the Minority (4) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-638) AS AMENDED BY SENATE AMENDMENT "A" (S-426)** thereto in **NON-CONCURRENCE**.

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I will be opposing the pending motion, which is to Recede and Concur, and I'd like to share with you why. LD 1764 was thoroughly vetted in the Committee on State and Local Government. By accepting the pending motion to Recede and Concur, we would in effect be incorporating an amendment for this bill. A seven-page amendment, an amendment -- a seven-page amendment that would in effect eliminate the Bureau of the Public Advocate, a seven-page amendment that is complex, a seven-page amendment that has not been vetted by the Committee. Therefore, I would ask you to vote red, vote no, and just try to defeat this pending motion. Thank you, Madam Speaker.

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

Representative **PICKETT**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion to Recede and Concur. This amendment is good policy. It removes politics from the equation. It puts resources to help small businesses in the place -- in one place in State Government, avoiding possible confusion as to what agency should be contacted for help.

If passed, effective February 1, 2019, the position of Small Business Advocate would transfer from the Secretary of State's office to the Department of Economic and Community Development. The transfer would take place with no General Fund dollars being spent. The amendment would also result in savings to the Highway Fund of more than \$28,000 annually. It would reinstate a dedicated Director position to serve as small business and entrepreneurship special advocate, a truly independent, nonpartisan advocate for small Maine businesses. This position will help coordinate many existing programs within State Government geared to helping small businesses, such as MaineMade Products Marketing program and Business Answers programs, which are currently located

under the purview of the Department of Economic and Community Development.

The director-level, range 32 position will pull together all programs to help small businesses, including advocacy in dealing with over-burdensome regulations and permitting issues that may come up from time to time. The amendment calls for Maine's Small Business Advocate to be hired pursuant to civil service law for classified employees. As it stands right now, the Small Business Advocate serves at the pleasure of the Secretary of State. This amendment provides a layer of protection for the advocate, to conduct his/her duties without fear of political retribution.

This amendment to LD 1764 is a similar model to what works quite well at the federal level. The Office of Advocacy is set up within the U.S. Small Business Administration, an Executive Branch agency, which creates an independent voice for small businesses. I cannot think of a better way to reach our goal to achieve more efficient coordination of advocacy for our thousands of small businesses, to avoid any duplicative efforts, so we can move Maine's economic competitiveness. Please follow my light. Vote on the pending motion to Recede and Concur. Thank you very much, Madam Speaker.

The SPEAKER: The motion before the House is will the House Recede and Concur. The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I'd like to ask a question through the Chair, if I may.

The SPEAKER: The Representative may proceed.

Representative **STETKIS**: I thought we heard earlier that this amendment had not been vetted. I was wondering, had the amendment actually been discussed in Committee, and was there any talk about reconsideration of the bill after the amendment was discussed, if it was or not?

The SPEAKER: The Representative from Canaan has posed a question through the Chair for anyone who might wish to answer. The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker. In regards to this Senate amendment, of us talking about it in Committee in State and Local, where this bill was vetted, we never had the opportunity to discuss that amendment at all.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. The previous speaker is exactly correct. There was, in fact, a motion to reconsider to give a particular member of the Committee an opportunity to discuss an amendment, but to my knowledge, just a day or so ago is the first opportunity that we've had an opportunity to review and see the seven-page amendment.

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 Representative may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. Does the amended version of this bill maintain the total number of full-time employees?

The SPEAKER: The Representative from Monmouth, Representative Ackley, has posed a question through the Chair if there is anyone who may wish to answer.

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

ROLL CALL NO. 560

YEA - Ackley, Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Chapman, Corey, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herrick, Hickman, 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, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Herbig, 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, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Craig, Foley, Gillway, Riley, Sanderson, Sherman, Ward.

Yes, 71; No, 72; Absent, 8; Excused, 0.

71 having voted in the affirmative and 72 voted in the negative, with 8 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker GIDEON of Freeport moved that the House **INSIST**.

Representative ESPLING of New Gloucester moved that the Bill be **TABLED** until later in today's session pending the motion of Speaker GIDEON of Freeport to **INSIST**.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Speaker GIDEON of Freeport to **INSIST**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Speaker Gideon of Freeport to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 561

YEA - Ackley, Austin S, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Chapman, Corey, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, 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, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

NAY - Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker,

Perry, Pierce T, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Battle, Bickford, Craig, Foley, Gillway, Hawke, Riley, Sanderson, Sherman, Ward.

Yes, 67; No, 74; Absent, 10; Excused, 0.

67 having voted in the affirmative and 74 voted in the negative, with 10 being absent, and accordingly the motion to **TABLE** until later in today's session pending the motion of Speaker GIDEON of Freeport to **INSIST FAILED**.

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

COMMUNICATIONS

The Following Communication: (S.C. 942)

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

March 30, 2018

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 1444, "An Act to Prohibit Gross Metering."

I have fought long and hard to reduce subsidies paid by ratepayers through utility rates, including those from Net Energy Billing (NEB) that subsidize energy installations of the affluent on the backs of hard-working Mainers who can least afford higher electricity bills.

The Public Utilities Commission (PUC) adopted a rule that will start reducing the NEB subsidies over time through a gradual step-down of the amount of generation allowed and used to offset a NEB customer's usage. While proponents of LD 1444 suggest it only prohibits the PUC's rule from requiring separate metering of the generation (gross metering), the bill does much more.

By defining "net energy" in a way that is inconsistent with the PUC's rule, the bill's language likely prohibits the rule's step-down of the subsidy. In addition, even if the language is interpreted to allow a step-down of the subsidy, it severely limits (or eliminates) the applicability of the step-down by allowing the reduction to apply only to the excess generation at the end of the month. Since many (or perhaps most) NEB systems are sized to be equal to, or less than, the customer's usage, there may be no excess at the end of the month. This would effectively undo the PUC's decision to reduce the subsidy over time.

The bill also increases the number of customers who can share a single NEB facility from the current level of 10 to 50. Such shared ownership arrangements allow NEB customers to use the utility's poles, wires, transformers, and other equipment to bring the NEB facility generation to them from anywhere in the service territory, but without paying for that use of the system. This is outrageous and I will not support a bill that further expands this practice.

As I have noted many times, NEB subsidizes the cost of solar panels for the rich at the expense of the elderly and poor who can least afford it. Making a bad situation worse is not the answer. For these reasons, I return LD 1444 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

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

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act To Prohibit Gross Metering
(S.P. 499) (L.D. 1444)
(C. "A" S-359)

In Senate, April 2, 2018, 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?'

26 voted in favor and 7 against, and 26 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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

The Following Communication: (S.C. 943)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

March 30, 2018

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 1816, "An Act Regarding the Penalties for Hunting Deer over Bait."

I am concerned that this bill's change in penalty to a suspension of just two years for a second conviction for hunting deer over bait does not go far enough to provide a strong deterrent to dissuade hunters inclined to violate hunting regulations.

Hunting deer over bait prosecutions have steadily increased since 2004. More than 100 hunters a year are prosecuted for this violation, and I believe stricter penalties are needed to reduce this noncompliance.

For these reasons, I return LD 1816 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

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

READ and **ORDERED PLACED ON FILE** in concurrence.

The accompanying item An Act Regarding the Penalties for Hunting Deer over Bait
(S.P. 684) (L.D. 1816)

In Senate, April 2, 2018, 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?'

33 voted in favor and 0 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. I'll be making my remarks directly to the Speaker, because I'm pretty sure if I can convince you, I can get the rest of the body to go along.

This bill deals with a section of IF&W statute that determines what kind of license suspensions are appropriate for hunting and fishing violations. Like every part of Maine Law, sanctions scale up with the seriousness and repetition of offenses. So, the Committee actually agrees with the logic of the Chief Executive in his letter, and we increased the penalty for hunting deer over bait. You get caught once and you lose your license for a year, you get caught twice, the penalty doubles. The Committee offered that change last year, but it was amended on the floor to make it a lifetime suspension. Ever since then, it's been pointed out by literally everybody that that sanction is out of proportion to everything else in Title 12, and this bill brings this action back into alignment.

So, let me explain. If you do any of these things, you get a minimum one-year suspension in addition to the other penalties in other parts of state law: hunting out of season, one year; hunting while intoxicated, one year; night hunting, one year; discharging a firearm within 100 yards of somebody's house, exceeding a bag limit on bears, unlawfully hunting moose, one year; hunting deer over bait is currently in law -- one year. Do any of these a second time, you get another one-year suspension, except for deer hunting over bait. That's a mandatory lifetime suspension. Now, what's really weird is, if you commit a third offense, you fall into the habitual offender category, and that's just a minimum three-year suspension. There is no other mandatory lifetime suspension in any other part of state law. If you do really serious stuff, like, if you go night hunting with night vision equipment, it's five years. If you don't even have a hunting license and you commit any of these offenses, it's five years. If you accidentally shoot someone, it's five years. But if Bambi goes down with an apple in his mouth, you're suspended for life. No appeal, no opportunity for review by the Commissioner to consider extenuating circumstances.

So, to repeat, the Committee agreed that hunting over bait is a problem. We doubled the suspension for a second offense. The Committee agreed that a lifetime suspension is way out of proportion to the rest of our laws, and I ask that you support the Committee's unanimous work and override this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, in my eight years of service with the Department of Inland Fisheries and Wildlife, I've had to revoke and suspend several licenses, as you well know. I'm not sure how the bill that we're trying to amend ever got enacted into law, because as we know today, if someone commits a homicide he/she may not serve a life sentence. All we're trying to do is trying to repeal a law that simply would suspend one's license for a simple misdemeanor. It didn't make any sense to me, and it's for that reason that I co-sponsored this piece of legislation, and I would hope that we'd vote to override the current veto. Thank you, Madam Speaker.

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. 562V

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

NAY - NONE.

ABSENT - Battle, Craig, Foley, Gillway, Herrick, Riley, Sanderson, Sherman, Ward.

Yes, 142; No, 0; Absent, 9; Excused, 0.

142 having voted in the affirmative and 0 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (H.C. 483)

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

March 30, 2018
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Pursuant to my authority under Senate Rule 201.3, I have appointed Senator Ronald F. Collins of York to the Joint Standing Committee on Veterans and Legal Affairs. With this appointment Senator Collins will be replacing Senator Roger Katz of Kennebec.

Sincerely,
S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 485)

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

April 3, 2018
Honorable Robert B. Hunt
Clerk of the House

2 State House Station
Augusta, Maine 04333
Dear Clerk Hunt:

Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On March 30, 2018

Trevor J. Hustus of Hollis, Dr. Raymond C. Stevens of Los Angeles, California and Dr. David M. MacMahon of Poland for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Larissa Darcy of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Sara Gideon
Speaker of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (S.C. 944)

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

April 2, 2018
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 Minority Ought to Pass Report from the Committee on Health and Human Services and Passage to be Engrossed on Bill "An Act To Safeguard the Rights of Private Child Care Businesses" (H.P. 811) (L.D. 1148) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 945)

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

April 2, 2018
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 Minority Ought to Pass as Amended Report from the Committee on State and Local Government and Passage to be Engrossed as Amended by Committee Amendment "A" (H-671) on Bill "An Act To Eliminate Inactive Boards and Commissions" (H.P. 1286) (L.D. 1849) in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

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

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

**CONSENT CALENDAR
First Day**

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

(H.P. 1285) (L.D. 1848) Bill "An Act To Extend Arrearage Management Programs" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-708)**

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

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

COMMUNICATIONS

The Following Communication: (H.C. 486)

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

April 3, 2018

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 April 3, 2018.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

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

Representative **PECTEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, as I'm sure many of you know, yesterday in my community and in Representative Grohman's community, we had a tragic fire of an apartment building in our downtown. Thirty-four people are now displaced from their homes, and an elderly man of 88 years -- 88 years old died in the fire, Mr. Arnold Goldman.

"Everyone really liked my father. He was a very outgoing and active person. He was popular with the young and the old," Amy Goldman --

The SPEAKER: The Representative will defer. The House will be in order through adjournment. The Representative may proceed.

Representative **PECTEAU**: Thank you, Madam Speaker. His daughter told the Press Herald. I just wanted to extend my

thanks to the Red Cross, firefighters from South Portland, Sanford, Kennebunk, Saco, Old Orchard Beach, Wells, Goodwin's Mills, and Scarborough. And, of course, enormous gratitude to our very own Biddeford Fire Department. The responsiveness of these units prevented the fire from spreading in this apartment-dense area to other apartments. All 70 firefighters from all three shifts were recalled to help out at the fire scene. My thoughts and prayers are with those affected, and with the family of Mr. Goldman, may he rest peacefully.

There are a number of ways to support those who have been displaced. Our mayor, Mayor Alan Casavant, has posted a fund link that has been organized by our very own Representative Grohman on his Facebook page, and you can access that. It is in difficult times like these where our communities and those who surround us, as shown by the number of fire departments that responded yesterday, where we show our compassion for those whose lives have been upended by this awful tragedy. So, I just wanted to extend my thoughts and prayers and certainly support in financial means and whatever way we can help those folks out. A very, very sad day for our community.

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

Representative **GROHMAN**: Thank you, Representative Fecteau, so well-said. You know, this fire took place on Hill Street, and it really is a hill, and it's the kind of thing that could easily have run up that hill and taken out all of the buildings along it, and although it is a huge tragedy, it could've been dramatically worse. So, all of the firefighters and first responders that worked on that just did an amazing, remarkable job. And, a fun little story, we have a local kind of cheeseburger place called Cowbell, and they brought burgers to everybody at the fire department, and I know that was a big hit and a nice thing to do. So, if you're able to make a small contribution, anything helps: GoFundMe.com, Biddeford emergency response fund. We're looking to raise \$5,000, and we just hit \$915, so thank you to everyone who has been able to help. Thank you, Madam Speaker.

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

On motion of Representative McLEAN of Gorham, the House adjourned at 1:08 p.m., until 10:00 a.m., Wednesday, April 4, 2018.