

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
35th Legislative Day
Friday, April 13, 2018

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

Prayer by Pastor Trent Boyd, West Buxton Baptist Church, Buxton.

National Anthem by Winslow Junior High School Band.

Pledge of Allegiance.

Doctor of the day, Marguerite (Peggy) Pennoyer, M.D., Scarborough.

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

The Journal of yesterday was read and approved.

SENATE PAPERS
Non-Concurrent Matter

An Act To Strengthen Requirements for Water Testing for Schools (MANDATE)

(S.P. 20) (L.D. 40)
(S. "A" S-429 to C. "A" S-406)

FAILED of **PASSAGE TO BE ENACTED** in the House on April 11, 2018.

Came from the Senate **PASSED TO BE ENACTED** in **NON-CONCURRENCE**.

On motion of Representative GOLDEN of Lewiston, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs"

(H.P. 491) (L.D. 700)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749) in the House on April 11, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749) AS AMENDED BY SENATE AMENDMENT "A" (S-456)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Protect Substance-exposed Infants"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) in the House on April 3, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY SENATE AMENDMENT "B" (S-460)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 501)

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

April 13, 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 April 11, 2018

Judge Gregory A. Campbell of Hampden for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Judge Christine Foster of Portland for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Sara Gideon

Speaker of the House

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

The Following Communication: (S.C. 988)

MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY

April 12, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

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

Upon the recommendation of the Committee on Judiciary,

- Brent A. Davis, Esq. of Skowhegan for appointment as a District Court Judge;
- Tammy Ham-Thompson, Esq. of Gardiner for appointment as a District Court Judge.

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**.

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 65)

ORDERED, that Representative Kevin J. Battle of South Portland be excused March 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Owen D. Casás of Rockport be excused March 15 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Robert A. Foley of Wells be excused April 2, 3, 4 and 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused April 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Roger Jason Fuller of Lewiston be excused April 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lance Evans Harvell of Farmington be excused April 9 and 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Frances M. Head of Bethel be excused April 11 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lloyd C. Herrick of Paris be excused April 4 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Andrew J. McLean of Gorham be excused February 13 and March 6 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Lester S. Ordway of Standish be excused April 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Rachel Talbot Ross of Portland be excused April 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Roger L. Sherman of Hodgdon be excused April 5, 9, 10 and 11 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Karleton S. Ward of Dedham be excused April 11 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Winslow High School Girls Basketball Team, of Winslow, which won the Class B State Championship. We extend to all the members of the team our congratulations and best wishes;

(HLS 1147)

Presented by Representative NADEAU of Winslow. Cosponsored by Senator CYRWAY of Kennebec, Representative THERIAULT of China.

On **OBJECTION** of Representative NADEAU of Winslow, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **NADEAU**: Thank you, Madam Chair. Because this is a team, I would like to have 510 and 511 read together. Thank you, Madam Speaker, Ladies and Gentlemen of the House, it is my ultimate pleasure to rise today to

welcome the Class B State Champions, Winslow High Girls Basketball Team. This incredible group of young women and their coach, Lindsey Withee, have made our community very proud with their determination, teamwork, and class. In addition to their state title, the *Morning Sentinel* named Coach Withee Coach of the Year and senior Haley Ward Player of the Year for their outstanding work. Congratulations on your incredible season, and go Raiders!

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

Representative **BRADSTREET**: Thank you, Madam Speaker. I'd also like to add my congratulations to the Winslow High School Girls Basketball Team on their great accomplishment. I have two grandsons who graduated from Winslow High School fairly recently, so I have a very special interest in that.

Also, one of the assistant coaches, Scott Giroux, is an old classmate and teammate of mine from a few years ago. We didn't quite make it to the championship game, the state final game, we didn't get our gold ball, but I'm so happy that Scott got his. He deserves it richly. Thank you.

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

Recognizing:

Lindsey Withee, of Winslow, coach of the Winslow High School girls basketball team, who has been named the *Morning Sentinel* Girls Basketball Coach of the Year. We extend to Ms. Withee our congratulations and best wishes;

(HLS 1148)

Presented by Representative NADEAU of Winslow.

Cosponsored by Senator CYRWAY of Kennebec.

On **OBJECTION** of Representative NADEAU of Winslow, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **NADEAU**: Again, a team is only as good as the person that leads them. Coach Withee is an amazing person. She's a really good person and the team's a really good team, so in honor of her Coach of the Year through the *Morning Sentinel*, we all, as a community, appreciate what she's done with this amazing group of girls, and thank you, Coach Withee.

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

In Memory of:

Jeffrey Cole, of Kennebunk. The longtime president of the Cole Harrison Agency, in Kennebunk, Mr. Cole had joined the family firm in 1980, becoming the fifth generation to work for the firm. Active in his community, Mr. Cole was a member and served as a trustee of South Congregational Church, in Kennebunkport; was a longtime member of both the Kennebunkport Volunteer Fire Department and Kennebunk Fire Rescue; served as a Regional School Unit 21 board member; served on the board of the Kennebunk Free Library; was a longtime member of the Arundel Yacht Club and the Kennebunk Fire Society; volunteered in many youth programs as his children grew up in Kennebunk; and served on the board of directors for the Brick Store Museum and Youth Education In Sports Foundation. Mr. Cole and his wife, Kim, founded the Kennebunk Beach Triathlon Club. Mr. Cole enjoyed training for marathons and triathlons, as well as hunting and fishing. Mr. Cole will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 1149)

Presented by Representative FOLEY of Wells.
Cosponsored by Senator COLLINS of York, Representative SEAVEY of Kennebunkport, Representative BABBIDGE of Kennebunk.

On **OBJECTION** of Representative FOLEY of Wells, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Madam Speaker, Ladies and Gentlemen of the House, I rise today to honor my colleague, my business partner, and my dear friend, Jeff Cole.

Jeff passed away suddenly and unexpectedly several weeks ago, leaving a void in our community and our business and our lives. Jeff was a community organizer, not from a political sense but from a community perspective. If there was something that needed to be done, Jeff was always there, quietly making sure that those things happened. Whether it was his time as the volunteer for the Kennebunk/Kennebunkport Fire and Rescue, serving on the boards of the public library, Brick Store Museum, the school board, or organizing a local road race, Jeff always strove to make a positive difference in all that he did.

Jeff was larger than life, sporting a joyous smile, an infectious laugh, a good story and countless words of encouragement for those who were fortunate enough to know him, to work with him, to call him a friend. I recall a story of a time when Jeff's church was planning a mission trip for their young parishioners to help out a poor community. They raised all the funds needed to make the trip but found late in the process that they all needed to bring their own sleeping bags. Upon hearing this news, Jeff quietly went out, purchased all the necessary sleeping bags and dropped them off at the church, with a note that said, "Please leave these sleeping bags for the homeless upon your return." No fanfare, no need for recognition, just doing what was right.

While we will all miss him terribly, I know in my heart that Jeff had set the right course for his business, his community, his family, and his many friends. I said to a friend, after learning of Jeff's passing, that it reaffirms what we all know but often forget: our time on this earth is unknown, but what we do here is important. Jeff filled his life with important things. He fought the good fight, he finished the race, and he kept the faith. Thank you, Madam Speaker.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Jeff Cole owned an insurance agency that was an intergenerational institution in the town of Kennebunk. Jeff himself was very active as a school board member, as a firefighter, and with other institutions in town like the Kennebunk Free Library and the Brick Store Museum, of which we're very proud. So, I rise today in tribute to his activism and service to the Town of Kennebunk. Thank you, Madam Speaker.

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

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

Representative **NADEAU**: Thank you, Madam Speaker. Before I begin this, I would like to verbally thank the junior high for coming down here today. They're an amazing band with an amazing band director, and I appreciate every year that they come down.

Today, I rise again to recognize a very special member of my community, Fire Chief Dave LaFountain. Chief LaFountain will retire this year with nearly 40 years of service to Waterville and Winslow, including ten years leading our first responders as chief to both the Winslow and Waterville fire departments. Few individuals demonstrate the commitment to public service that Chief LaFountain has. We have been incredibly fortunate, as a community and as a state, to benefit from Chief LaFountain's leadership. I am proud to have him and his family here today to receive our congratulations and heartfelt thanks for his service. Thank you.

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

Representative **LONGSTAFF**: Thank you, Madam Speaker, Women and Men of the House. I am honored to rise to add my words of congratulation and appreciation to David LaFountain for his 40 years as a firefighter, and ultimately, as the fire chief in Waterville and Winslow. We all wish him the very best as he retires and enters this new phase of his life.

When I was preparing the sentiment that we adopted a few days ago, I suddenly realized that it was 40 years ago also that I became a member of the Waterville Fire Department. Although David was serving in Winslow at the time, there were occasions when we were at the same fire scene. When he came to Waterville a few years later, I had left the fire department to become a first responder with Delta Ambulance, but once again there were those times when we were responding to the same emergency situations. All of this means that I can say with first-hand experience and no doubt whatsoever what an exceptional firefighter and leader David has been throughout his career. As we congratulate him and as we wish him well, I also hold him in the highest respect and thank him for all that he has done for our communities and for the State of Maine. Thank you, Madam Speaker.

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

Representative **THERIAULT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I wasn't planning on speaking. I didn't realize he was coming today, but knowing he's in the building, I feel I must.

I've worked very hard with David in the past, many, many years of training and calls together, and he has been a very good inspiration to me because he was a chief before I was, and I have looked for some guidance through him. But, I appreciate what he's done. He's done a lot for our area. He's helped train a lot of my men, so I really appreciate everything that he's helped get accomplished in the fire service. But I do know he's going to be spending a lot more time in my town, because he has a camp across the lake from me, and I am going to be utilizing him more than he knows, whether he likes it or not. Thank you, Madam Speaker.

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

Representative **GROHMAN**: Thank you, Madam Speaker. It's been said that a strong economy is the engine that drives all social progress. If that's so, Craig Pendleton, the executive director of the Biddeford-Saco Chamber of Commerce and Industry has been making a lot of positive difference with his steady, effective leadership in our community, and he's very deserving of his recognition today by the Maine State Chamber of Commerce as Chamber Professional of the Year. I thank him for all he has done for our community and for the State of Maine.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Joint Rule

Representative GATTINE for the **Joint Standing Committee on Appropriations and Financial Affairs** on Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan (EMERGENCY)

(H.P. 1346) (L.D. 1907)

Reporting **Ought to Pass** pursuant to Joint Rule 353.

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

The Resolve **READ ONCE**.

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

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

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-453)** on Bill "An Act To Protect Privacy of Online Customer Personal Information"

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

Signed:

Senator:

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 Not to Pass** on same Bill.

Signed:

Senators:

WOODSOME of York
CUSHING of Penobscot

Representatives:

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

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

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

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, this bill asks us a very simple question; should we as a body give taxpayer dollars, Maine taxpayer dollars, to corporations that sell the data of Maine citizens, Maine families, Maine people of all ages without their express consent? If our answer to that question is not a resounding no then I don't know what in the world has come over us.

Madam Speaker, Women and Men of the House, in some respects I would argue that our friendly neighborhood internet service provider knows more about us than we know about ourselves. The oracle at Delphi says "Know thyself" over the entrance to the building to the temple of Apollo. And that's good advice, to know thyself, and it's not easy. I try hard to know myself, but as hard as I try, Madam Speaker, my wife seems to know me better than I know myself. But, Madam Speaker, there is someone, many someones, actually, and they're not just here in Maine, who arguably know more about us and our family members than we know about ourselves. These omniscient oracular beings have names like Comcast and Spectrum, Consolidated and Verizon, AT&T and US Cellular. Because they are the pipes of the internet, they know what flows through those pipes. They know when you're on Facebook and they know when you're on Google. They know when you and your family members went to bed last night, and they know when you got up this morning. They know which websites and web pages you and your children and grandchildren have visited over the past several years, how many times you visited, and for how long. They know this whether you and your family used a so-called private browser to visit those pages or whether you did not.

Madam Speaker, the bill before us had an impressive hearing, and there were many Maine-based internet service providers who testified in favor of the bill. There were many individuals from Maine who testified in favor of the bill. We heard support from Senator Garrett Mason, we heard support from the good Representative from Glenburn, who I'm sorry is not here today to speak to this bill, I know she cares about it. The bill was scaled back significantly by the Committee

because of concerns about what was certainly within Maine's purview and what perhaps might not be, and we settled on a bill that only required that if you're going to take Maine taxpayer dollars, Madam Speaker, that you will honor your commitment as an ISP to protect your customer data, to not sell or share their information without the user's consent. And, Madam Speaker, fortunately, the internet service providers I've spoken with all say they do not share or sell your data without your consent. They've showed us policies to support that; and yet, they oppose this bill. Not the Maine-based internet service providers, mind you, but the others. Why is that? How could that possibly be?

We have on our desks today a letter from a certain Chamber of Commerce of which these ISPs are members, stating that the sky will fall and there will be no tourism in Maine if we hold these ISPs to their own commitments, to their own policies. I don't see it. They're going to continue to do what they've always done, and the sky will fall and we won't have tourism in Maine? I don't see it.

Madam Speaker, I want to ask the opponents of this legislation: can you find me, please, one voter, one honest-to-goodness, flesh-and-blood constituent, unaffiliated with a multinational internet service provider or a business organization they belong to, who does not support this legislation? Because I've tried, Madam Speaker, and I've come up short.

Madam Speaker, we and our children are spending more and more of our lives online, and we can choose our platforms, we can choose between Twitter and Facebook and Instagram, but we cannot choose the pipes. We need a pipe in order to use the internet. This bill merely asks the internet service providers to honor the commitments they've already made to not sell or share customer data without consent. It asks whether we, as a body, should give Maine taxpayer dollars to corporations that sell the data of Maine citizens, Maine families, Maine people of all ages, without their express consent. I think our choice today is clear. I think our support for this bill should be unanimous in this body and, Madam Speaker, when the vote is taken, I request that it be by the yeas and nays.

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 Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Internet service providers actively protect consumers' private information. There is a market incentive to do so, as violating one's privacy would deter customers, and federal law is in place that requires all actors in the communications space to guard personal information. The status quo allows bad actors to be punished by the FTC and State Attorney General while still promoting competition and innovation in the industry. LD 1610, on the other hand, would do neither. This misguided privacy rule would zero in on who holds consumers' data rather than the data type, applying onerous and costly regulations to ISPs only. Admittedly, this is a pretty bizarre approach to take if protecting one's privacy is the intent. Compared to individual websites, for example, ISPs see far less of what you do online. That is because over 70% of the websites use HTTPS encryption. An ISP can only see which website you visited, not what you do on the websites. ISPs do not know your movie

preferences, product purchases, email content, or anything of the like. In the light of these truths, state-level privacy laws such as LD 1610 are completely unnecessary. In fact, they would be a huge mistake. The cost of consequences of complying with a patchwork of many state privacy laws throughout this country would make it more difficult for ISPs to maintain and expand their service and invest in the next generation of broadband. Consequently, LD 1610 would leave Mainers with fewer choices, outmoded technology in an overall quality of internet. In addition to harming consumers, LD 1610 is likely to result in negative consequences for the taxpayers in Maine. Legislation or executive orders that attempt to regulate privacy through procurement or contractors violate federal law. As such, LD 1610 would likely result in millions of hard-earned taxpayer dollars being wasted on costly legal challenges. If implemented, LD 1610 would stifle innovation and allow government to pick winners and losers in the communications space, while doing nothing to improve the consumer privacy. Please oppose the pending motion.

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

Representative **SANBORN**: Thank you, Madam Speaker. This bill is very timely, as we've seen internet privacy splashed across the headlines, the two days of testimony from Facebook's Mark Zuckerberg in front of Congress earlier this week. But let me be very clear; the bill before us does not regulate Facebook. Instead, it regulates something even more fundamental, the internet service providers, or ISPs, who allow us the very access to any part of the internet. And even more than that, this bill would regulate only ISPs that want to receive contracts paid for with state taxpayer dollars. These internet service providers operate in the background all the time that we are connected to the computers that are connected to the internet. I'm old enough to remember a time when our computers were not always connected to the internet. I can remember the telltale sign of connecting to the internet that your modem made when you dialed up, that strange beeping noise that let you know that you were now connected to the rest of the world. But, Madam Speaker, at this point, we're always connected to the rest of the world.

Our internet service providers are listening in all the time, and we don't think about them at all except for when we pay our monthly invoice for the service. And, so, here's the analogy that I'd like you to think about. We would not be okay with allowing our phone lines to have a tap on them at all times, recording every word out of our mouths, and then having that data sold to the highest bidder, whoever wanted to pay for whatever use. We would require, instead, that some court process be followed before that type of tap were allowed, and that the information be fiercely guarded. And, Madam Speaker, it's no different with our internet service providers. We cannot allow all of the traffic on the internet to be sold to the highest bidder, and we must regulate Mainers' privacy in the way that we can, with the bill before us. Thank you.

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

ROLL CALL NO. 601

YEA - Ackley, Alley, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, 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, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Austin B, Cebra, Guerin, McLean, Sherman, Ward.

Yes, 82; No, 63; Absent, 6; Excused, 0.

82 having voted in the affirmative and 63 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-453)** 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-453)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "B" (S-405)** on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

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

Signed:

Senators:

WHITTEMORE of Somerset
CARSON of Cumberland

Representatives:

LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

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

Signed:

Senator:

DOW of Lincoln

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-405).

READ.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-451)** on Bill "An Act To Promote Prescription Drug Price Transparency"

(S.P. 484) (L.D. 1406)

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
MCCREIGHT of Harpswell
RECKITT of South Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-452)** on same Bill.

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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 "B" (S-452).**

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-451)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-451)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-751)** on Bill "An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government" (EMERGENCY) (H.P. 586) (L.D. 837)

Signed:

Senators:

BREEN of Cumberland
KATZ of Kennebec

Representatives:

GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
MARTIN of Eagle Lake
SEAVEY of Kennebunkport
TEPLER of Topsham

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

Signed:

Senator:

HAMPER of Oxford

Representatives:

SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

READ.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-758)** on Bill "An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council"

(H.P. 1305) (L.D. 1872)

Signed:

Senators:

WOODSOME of York
CUSHING of Penobscot
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Representative:

WADSWORTH of Hiram

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-758)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-758)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-756)** on Bill "An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services" (EMERGENCY) (H.P. 1259) (L.D. 1817)

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland

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

Signed:

Representative:

CARDONE of Bangor

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-756)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-756)** and sent for concurrence.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-763)** on Bill "An Act Regarding Financial Orders Requested by the Attorney General"

(H.P. 1308) (L.D. 1876)

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland

BABBIDGE of Kennebunk

BAILEY of Saco

CARDONE of Bangor

McCREIGHT of Harpswell

RECKITT of South Portland

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

Signed:

Senators:

KEIM of Oxford

WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro

GUERIN of Glenburn

JOHANSEN of Monticello

READ.

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

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, this bill came to our Committee because of a problem that has resulted from disagreements between two of our state's officials, and I want to be very clear that I am going to try not to impugn the motives of either one of those officials and just talk about the bill. So, we passed a budget for the Attorney General's office last year that includes a whole bunch of positions that we viewed as a priority, this Legislature passed it, the Chief Executive signed it; and unfortunately, there are a lot of hiring justification forms and financial orders currently sitting on the desk of the Chief Executive that are not getting signed and not allowing us to fill these positions. Those positions include one, two, three -- seven positions that would work in District Attorneys' offices around the state, an AAG position that would work on child support enforcement, a Medicaid fraud prosecutor, a welfare fraud prosecutor, licensing enforcement positions, all kinds of positions in the Attorney General's office and in our District Attorneys' offices that are important to the people of the State of Maine, and positions that do good work on behalf of the people. And, I certainly understand that there are tensions between these two individuals regarding financial orders and how all of that works, but at the end of the day, my view on this is that these positions are important. We need them filled so that the work of the people of Maine can get done, whether it's child support prosecution, welfare fraud, whatever it is.

So, the Majority Amendment on this bill is fairly simple. It took the language that already exists for the Judicial Branch and the Legislative Branch and mirrors that for the Attorney General's office and their statute. Under current law, the

Legislature does not have to send our financial orders to the Chief Executive. I'm really grateful for that, because I think if we did we would never get paid. We... In addition, the Judicial Branch does not have to send their financial orders to the Chief Executive. It's really about separation of powers, and because the Attorney General's office is independent of the Executive Branch, it was the view of the Majority Report of the Committee that it made sense that they also have the independence to move forward on their financial orders, just as the Legislative Branch and the Judicial Branch do. So, that's what the amendment does. It authorizes the Attorney General to approve financial orders affecting the office of the Attorney General, and that's it. Thank you very much, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm actually a little speechless, because I think I just heard the good Representative identify the Legislature and the Judiciary as two branches of government, but now evidently we would like to make Attorney General the fourth branch of government, so that her financial orders do not have to be signed. I'm going to be objecting, voting no on this, and I request a roll call.

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

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

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

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. It's an improper intrusion into the separation of powers. It certainly is, and it usurps the Chief Executive's proper authority and prerogatives. And, I'd like to also say that last year 35 financial orders were issued, 14 so far this year, and five are outstanding. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, for me this is about responsible government. Our constitutional officers and our chief executives come and go, but the folks that we hire to staff our state government are very, very important, and sometimes have long careers. When we have somebody that is a gem that is willing to give up their private practice to come to public service, and that opportunity is lost because of a period of months that we're waiting, then this state is not well-served. So, I'm looking for good government here, and the Chief Executive's approval of these financial orders has in the past been one of formality, one of communication, one of, yes, it's in the budget, great, go ahead. But, because we've had this impasse, the state has not been well-served, and I think we can improve on that. 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. 602

YEA - Ackley, Alley, 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, Grohman, Hamann,

Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, 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, Sanderson, Seavey, Simmons, Sirocki, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Austin B, Cebra, Guerin, Lawrence, McLean, Sherman, Ward.

Yes, 78; No, 66; Absent, 7; Excused, 0.

78 having voted in the affirmative and 66 voted in the negative, with 7 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-763)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-763)** and sent for concurrence.

CONSENT CALENDAR
First Day

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

(H.P. 91) (L.D. 123) Bill "An Act To Recodify and Revise the Maine Probate Code" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-762)**

(H.P. 796) (L.D. 1133) Bill "An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-760)**

(H.P. 1311) (L.D. 1879) Bill "An Act To Enhance and Increase the Availability of Mental Health Providers in Maine" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-759)**

(H.P. 1337) (L.D. 1899) Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment Regarding Assets in Retirement and Education Accounts Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-761)**

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

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

(H.P. 1310) (L.D. 1878) Bill "An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-752)**

On motion of Representative FREDETTE of Newport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, in regards to this particular item, as in regards to salary increase for the Chief Executive, I was just wondering if the Clerk is in possession of my amendment?

The **SPEAKER**: The Chair would answer in the negative. We are not in the possession of any amendment. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Madam Speaker, we request a roll call on this, and I'm also going to move to recuse myself from voting on this.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous Ought to Pass as Amended Report**.

Representative FREDETTE of Newport asked leave of the House to be excused from voting on L.D. 1878 pursuant to House Rule 401.12.

The Chair denied the request.

Subsequently, Representative FREDETTE of Newport **WITHDREW** his **REQUEST** for a roll call.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS
Resolves

Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State

(H.P. 1091) (L.D. 1587)
(C. "A" H-699)

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

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

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

UNFINISHED BUSINESS

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

Bill "An Act To Modify the Number of Retail Liquor Licenses Allowed in a Jurisdiction per Person"

(S.P. 642) (L.D. 1743)

- In House, Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** on March 27, 2018.

- In Senate, Senate **INSISTED** on its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-382)** in **NON-CONCURRENCE**.

TABLED - March 29, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **FURTHER CONSIDERATION**.

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

Representative SANBORN of Portland moved that the House **RECEDE AND CONCUR**.

Representative ESPLING of New Gloucester **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.

Representative PARRY of Arundel **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **CASÁS**: Thank you, Madam Speaker. So, I was on the Majority Ought Not to Pass Report. That was primarily because of how this bill came into Committee. It was an emergency, and I just kind of had an intellectual issue with saying Portland needing another liquor store was an emergency, and it also came as a concept draft. All that said, there was an issue with how we allow liquor stores and population for cities. The concept draft was filled with some good language from the senator, so I will be voting in favor of the Recede and Concur. It's not necessarily a bad bill, I was just Ought Not to Pass because I did not view this as an emergency. However, it's here today, it's here to vote on, so I will be voting to Recede and Concur. Thank you, Madam Speaker.

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. 603

YEA - Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Grohman, Hamann, Handy, Harlow, Harrington, Hickman, Hubbell, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Perry, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Sirocki, Spear, Stanley, Strom, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Austin S, Bickford, Black, Bradstreet, Campbell, Chace, Corey, Craig, Devin, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Haggan, Hanington, Hanley, Harvell, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hogan, Hymanson, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Malaby, Marean, Mason, Ordway, Parker, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Simmons, Skolfield, Stearns, Stetkis, Stewart, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Austin B, Cebra, Guerin, McLean, Sherman, Ward.

Yes, 75; No, 70; Absent, 6; Excused, 0.

75 having voted in the affirmative and 70 voted in the negative, with 6 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

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

SENATE DIVIDED REPORT - Majority (12) **Ought to Pass** - Minority (1) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups"

(S.P. 721) (L.D. 1888)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - April 11, 2018 (Till Later Today) by Representative LAWRENCE of Eliot.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative LAWRENCE of Eliot, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

SENATE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (S-447)** - Report "B" (4) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (S-448)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid"

(S.P. 698) (L.D. 1844)

- In Senate, Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**.

TABLED - April 12, 2018 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - Motion of Representative DUNPHY of Old Town to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED**.

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

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 Wilton, Representative Black.

Representative **BLACK**: Thank you, Madam Speaker, Men and Women of the House. I rise in opposition to 1844. This bill is yet another attack on the tree growth taxation law. LD 1844 is no longer about foreign investors. It affects every landowner and every land sale in Maine greater than 5,000 acres. It takes away landowners' rights without compensation. Major landowners share their land with the public, provide wildlife habitat management, support an \$85 billion forest

economy and create jobs across Maine. They just want to be treated fairly, and LD 1844 attacks their livelihood. Thank you, Madam President.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I rise in opposition of the pending motion. This bill allows the State of Maine to have right of first refusal on private property sales over 5,000 acres in tree growth. This will result in entitling encumbrances on privately owned property. One concern brought up in favor of this bill was because the state was not making the proper payments to municipalities based on tree growth rules. There's no guarantee the state will make their payments in lieu of taxes if they use their right of first refusal to purchase this land. I question that if this is already a problem, why give the state more authority over private land?

Another issue that was brought forward is the possibility that Maine's lumber mills will not have sufficient timber to remain operational without this bill, but the reality is the mill capacity in Maine has diminished over the years to the point that when - that's when, not if - the spruce budworm arrives in Maine, these mills will not be able to handle the timber harvest when that outbreak arrives. I urge you to follow my light and vote in opposition to the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. May I pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **HANINGTON**: Could someone on the Tax Committee tell me how much tax that you're going to lose that goes into fighting forest fire if this is taken off the tax rolls?

The SPEAKER: The Representative from Lincoln has posed a question, if there is anyone in the Chamber who cares to answer. The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker. In response to the Representative's question, I must say that I, in fact, think this bill should have gone to the Taxation Committee, and I actually can't answer his question but I feel I should be able to answer his question.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Doore.

Representative **DOORE**: Thank you, Madam Speaker. Can anyone in this body tell us, or tell me at least, how many owners own 5,000 acres or more here in the State of Maine?

The SPEAKER: The Representative from Augusta, Representative Doore has posed a question through the Chair if there is anyone in the body who is able and willing to answer. The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker, Members of the House. I hate to use a little history here, but tree growth is a legislation that I actually sponsored when I was in my second or third term in the Legislature, and the purpose of tree growth was to try to keep Maine woods operative and not being sold off by bits and pieces. The purpose of the legislation that you have before you simply says that when land is being sold that the state has a right to first refusal. And, so, in fact, there won't be any money lost to the State, because obviously someone else will be paying for it. The whole question -- and the Maine Forest Products Council has decided

that they oppose this bill, which is already contrary to the people I represent. And so I urge you to vote for the bill.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. If I'm not incorrect on tree growth law, if you purchase property in tree growth, you are required to maintain it in tree growth, and if you do not maintain it in tree growth, you'll pay penalties that can be quite significant. I just wanted to add that to the debate. Thank you.

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

Representative **COLLINGS**: Madam Speaker, Ladies and Gentlemen of the House, I would urge you to vote for this bill and support Maine jobs in Maine mills in a rural economy. Thank you.

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

ROLL CALL NO. 604

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

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Chace, Chapman, Corey, Craig, Devin, Dillingham, Duchesne, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grant, Grignon, Grohman, Haggan, Hanington, Hanley, Harlow, Harvell, Hawke, Head, Herbig, 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, Riley, Sampson, Sanborn, Sanderson, Seavey, Sheats, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

ABSENT - Austin B, Cebra, Fredette, Guerin, McLean, Sherman.

Yes, 64; No, 81; Absent, 6; Excused, 0.

64 having voted in the affirmative and 81 voted in the negative, with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, on motion of Representative DUNPHY of Old Town, Report "B" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 736)

ORDERED, the House concurring, that Bill, "Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County," S.P. 257, L.D. 812, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

ENACTORS

Emergency Measure

An Act To Give Flexibility to Employees and Employers for Temporary Layoffs

(H.P. 491) (L.D. 700)
(S. "A" S-456 to C. "A" H-749)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Reduce the Number of Substance-exposed Infants

(H.P. 746) (L.D. 1063)
(S. "B" S-460 to C. "B" H-678)

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

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

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

SENATE PAPERS

The following Joint Order: (S.P. 734)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, April 17, 2018 at 10:00 in the morning.

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

The following Joint Resolution: (S.P. 735)

**JOINT RESOLUTION DESIGNATING APRIL 2018 AS
SECOND CHANCE MONTH**

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 65,000,000 American citizens have a criminal record; and

WHEREAS, individuals returning from prison and those who have paid their debts after committing a crime face a "second prison" of stigma and obstacles, also known as collateral consequences; and

WHEREAS, individuals with criminal histories encounter significant barriers such as an inability to find housing, employment or education, regain voting rights, volunteer in their communities, secure identification documentation and pay off substantial financial debt accrued as a result of conviction and incarceration; and

WHEREAS, these barriers can contribute to recidivism, which increases victimization, decreases public safety and results in lost human capital and economic output for communities; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased public awareness about the "second prison," the need for closure for those who have paid their debts and opportunities for individuals, employers,

congregations and communities to extend second chances; 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 2018 as Second Chance Month and we urge citizens to observe this month through actions and programs that promote awareness of the "second prison" and provide closure for those who have paid their debts.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-765)** on Bill "An Act To Amend Maine's Medical Marijuana Law"

(H.P. 1060) (L.D. 1539)

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland
HAMPER of Oxford

Representatives:

HYMANSON of York
DENNO of Cumberland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PERRY of Calais
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-766)** on same Bill.

Signed:

Representatives:

CHACE of Durham
PARKER of South Berwick

READ.

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

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

Representative **HYMANSON**: Thank you, Madam Speaker. It's time that we re-looked at the medical marijuana or medical cannabis program. The reason is because of the adult use program which is coming on board. It's been a long time since we looked at it, and there's been leakage into the black market from the program.

So, I want to remind you that cannabis contains chemicals that treat certain disorders, and over time, we in the medical community are learning more and more about those chemicals. So, the ones of note are CBD and THC, and those are chemicals -- CBD does not produce euphoria or make anybody high, so it is an extractable medication from a plant that has properties that also have psychoactive properties that make people high. So, the goal was really to create a program or look at the program so that it became a real medical program,

and honored the medicinal properties of cannabis. If you'll remember that willow bark has aspirin in it, digitalis -- or, foxglove plant has digitalis in it, which slows the heart rate. So there are many common plants that are all around us that have true medicinal properties that have been made into pharmaceuticals, that we take for granted on the shelves. The problem with cannabis is that it has a component that has psychoactive properties that make people high, and so that has been a deterrent to exploring the real true medicinal properties of cannabis.

So, with the opportunity to take away the adult use -- to take away adult use from this, we wanted to create a medical program that really honored that. So, our process was to form a subcommittee in HHS. We worked more than 50 hours over the last three months. We worked with many stakeholders to come to consensus. So, this bill does a number of things. This is not the whole list, but I'll review some of the things it does. Number one, it acknowledges the physician or physician assistant or nurse practitioner role in the patient relationship, and I personally really started at that level with honoring the provider-patient relationship, and so there is a bona fide relationship in order to receive -- that has to occur in order to receive a certificate to obtain medical cannabis, and there are limits regarding pediatric use. It professionalizes the caregiver, who are the people who grow and sell medical cannabis. It tightens up accountability. It reduces the opportunity for diversion to the black market, because there is now a seed-to-sale tracking. That means every single plant is tracked. It allows for municipal control, and I'll emphasize that municipal control was not there before. We worked very hard with the Maine Municipal Association to put in language that allows for appropriate municipal control. It regulates potentially explosive extraction process for safety, and it allows for local control in facilities where patients might be using it. So, I hope that you can support this with me. Thank you, Madam Chair.

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

Representative SANDERSON: Thank you, Madam Speaker, Men and Women of the House. It's a pleasure to follow along behind my colleague on the Health and Human Services Committee, the Representative from York, Representative Hymanson, and she's correct. Our Committee did set a subcommittee aside, and we did a really deep dive into this program. Back in the 125th, there was a bill that I sponsored, which really did a lot of work with the program. It was a big bill. It corrected some of the things that had happened after the citizens' initiative that the industry or folks in the industry were unhappy with. And since that time, we've had several bills that have either made small additions to, little tweaks to, but there really hasn't been any big substantive changes or a really deep dive in restructuring of this program since that time.

Last fall, I was approached by some folks who are caregivers in the industry, and they brought forth this bill and asked me to sponsor it, and what it did was it had taken a look at where we were in the legislation from the 125th, where we were now, and really with an acknowledgment of, after all these years seeing how the program has worked, seeing how access to patients has either worked or not worked, understanding that, with greater oversight, this program can have greater integrity and, you know, more legitimacy for those who may not believe in this program out in the communities. You know, they brought forth these efforts. You know, they wanted to say okay, we're okay with the inspection process. So we put an inspection process in here, and all they asked in

return is that there's a clear, you know, list of what the inspection process will look like so that they know what is expected, so when they are inspected without a prior notification, they know what is expected of them. There will be no gray areas, no ambiguity. They have also asked for other things to help improve patient access, and I think that's -- I think that was a real legitimate ask, because they are serving a large number of individuals in our state who have gone through the gamut of trying to use standard pharmaceuticals, and they just have not worked for them or have not worked as well; or maybe they have worked, but they have found that cannabis is working better for them, without maybe some side effects.

So, this bill was a huge amount of work, and as the good Representative from York said, it tightens -- it allows for municipal regulation. There was none over caregivers before. It allows for an inspection process. There was none over caregivers before. It also sets up manufacturing facilities and provides legislation for that. We worked really hard to make sure we were looking at what was happening down in the Committee at the other end of the Cross Building, in the MLI Committee, and what was happening with the adult use bill. We made sure that, you know, although hopefully there won't be anything that's in conflict, we've really tried to make sure that everything would fit seamlessly with that, mirroring language and making it the same. I think this bill was a fine example of real bipartisan work, people rolling up their sleeves, talking to folks in the industry, legislators coming together, looking forward to what was the best for Maine people who needed to access medical cannabis as their medicine and their preferred form of treatment. So, I hope you will all support this bill all the way through to the end. I think it's a really important day for this program. Thank you so much.

Subsequently, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-765) was READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-765)** and sent for concurrence.

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

CONSENT CALENDAR First Day

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

(H.P. 932) (L.D. 1338) Bill "An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-767)**

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.

ENACTORS

Acts

An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities

(S.P. 642) (L.D. 1743)
(C. "A" S-382)

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

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

On motion of Representative FOLEY of Wells, the House adjourned at 2:30 p.m., until 10:00 a.m., Tuesday, April 17, 2018, pursuant to the Joint Order (S.P. 734) and in honor and lasting tribute to Jeffrey Cole, of Kennebunk.