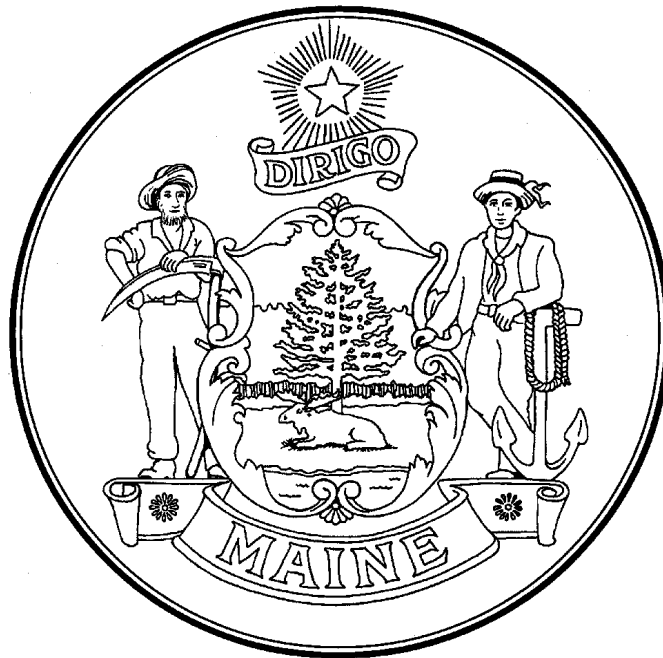


MAINE STATE LEGISLATURE

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

Daily Edition

Second Special Session

beginning June 19, 2018

beginning at page H-1739

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND SPECIAL SESSION
1st Legislative Day
Tuesday, June 19, 2018

Representative HEAD of Bethel
Representative CHACE of Durham

Pursuant to the Provision of Article IV, Part Third, Section 1 of the Constitution of Maine the members of the Legislature were polled. 90 Democrats (46 necessary), 83 Republicans (45 necessary) and 2 Green Independent (2 necessary) having voted in the affirmative, the members of the House of Representatives were assembled in their hall at 10:00 in the morning and were called to Order by the Speaker.

Prayer by Honorable Gay M. Grant, Gardiner.
National Anthem by Honorable Deane Rykerson, Kittery.
Pledge of Allegiance.
Doctor of the day, Robert Chagrasulis, M.D., Casco.

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

A roll call was taken. 137 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:
Representative WARD of Dedham
Representative HARLOW of Portland
Representative McELWEE of Caribou
Representative BATES of Westbrook
Representative COLLINGS of Portland
Representative STROM of Pittsfield
Representative BICKFORD of Auburn
Representative FARRIN of Norridgewock
Representative HUBBELL of Bar Harbor
Representative PARKER of South Berwick
Representative DEVIN of Newcastle
Representative RECKITT of South Portland
Representative MAREAN of Hollis
Representative GRIGNON of Athens

ORDERS

On motion of Representative HERBIG of Belfast, the following House Order: (H.O. 68)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor Paul Richard LePage, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives were assembled in the Hall of the House for the consideration of such business as may come before the House:

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

On motion of Representative GOLDEN of Lewiston, the following House Order: (H.O. 69)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed Representative HERBIG of Belfast to inform the Senate that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House.

At this point, a message was received from the Senate, borne by Senator VOLK of Cumberland of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

Subsequently, Representative HYMANSON of York reported that the Committee had delivered the message with which it was charged.

COMMUNICATIONS

The Following Communication: (H.C. 543)

**STATE OF MAINE
128TH MAINE LEGISLATURE**

June 15, 2018

Dear Members of the 128th Legislature:

As you know, the Senate Secretary and the House Clerk have conducted polls to see if membership is in favor of returning for a Special Session. The results of the poll were as follows:
Republican Party – 83 votes in favor (45 necessary)
Democratic Party – 90 votes in favor (46 necessary)
Green Independent Party – 2 votes in favor (2 necessary)

Pursuant to Article IV, Part Third, Section 1 of the Maine Constitution, a Special Session is in order. Therefore, the House and Senate will convene at 10:00 a.m. on Tuesday, June 19th. We expect this session could last multiple days, but we will work to complete our business as quickly as possible. Members should also be aware of the possibility that the Legislature may need to convene at a later date should it be determined that it is necessary to act on any bills vetoed by the Governor.

Sincerely,
S/Sara Gideon
Speaker of the House
S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 536)

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

May 31, 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 (l) (a), I have temporarily appointed Representative Teresa Pierce of Falmouth to the Joint Standing Committee on Appropriations and Financial Affairs for the duration of the absence of Representative Brian Hubbell of Bar Harbor effective immediately.

Please do not hesitate to contact me should you have any questions regarding this temporary appointment.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 537)

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

June 12, 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 (l) (a), I have temporarily appointed Representative Michelle Dunphy of Old Town to the Joint Standing Committee on Appropriations and Financial Affairs for the duration of the absence of Representative Erik C. Jorgensen of Portland effective immediately.

Please do not hesitate to contact me should you have any questions regarding this temporary appointment.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

Subsequently, Representative HERBIG of Belfast reported that she had delivered the message with which she was charged.

The Following Communication: (H.C. 538)

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

May 15, 2018

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

This is to inform you that, pursuant to Title 3 MRSA, §154, I am withdrawing my nomination of Dr. Raymond C. Stevens of Los Angeles, CA for appointment as a member of the Board of Trustees, University of Maine System.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 544)

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

June 18, 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 (l) (a), I have rescinded the temporary appointment of Representative Michelle Dunphy of Old Town from the Joint Standing Joint Standing Committee on Appropriations and Financial Affairs and I have reappointed Representative Erik C. Jorgensen of Portland to the Joint Standing Committee on Appropriations and Financial Affairs, effective immediately.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 539)

**MAINE DAIRY AND NUTRITION COUNCIL
333 CONY ROAD
AUGUSTA, MAINE 04330**

May 1, 2018

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

Enclosed for your review is the calendar year 2017 Audit Report of the Maine Dairy and Nutrition Council, prepared by Austin & Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin & Associates or myself. Austin & Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS

Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: (H.C. 540)

**MAINE DAIRY PROMOTION BOARD
333 CONY ROAD
AUGUSTA, MAINE 04330**

May 1, 2018

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

Enclosed for your review is the calendar year 2017 Audit Report of the Maine Dairy Promotion Board, prepared by Austin & Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin & Associates or myself. Austin & Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS
Executive Director

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

The Following Communication: (H.C. 541)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

TO: Honorable Sara Gideon, Speaker of the House
Honorable Michael D. Thibodeau, President of the
Senate and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: May 24, 2018

RE: Child Protection Process

Attached please find the final report from the Office of Program Evaluation and Government Accountability on Child Protection System: A Study of How the System Functioned in Two Cases of Child Death by Abuse in the Home. The report is also available on our website at <http://legislature.maine.gov/opega/opega-reports/9149>. As noted in my memo dated May 14th the public comment period on this Report has been scheduled for Thursday, May 31, 2018 at 9:00 a.m. in Room 220 Cross Building.

If you have questions, please feel free to contact me.

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

The Following Communication: (H.C. 542)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

TO: Honorable Sara Gideon, Speaker of the House
Honorable Michael D. Thibodeau, President of the
Senate and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: May 24, 2018

RE: Maine's Beverage Container Redemption Program

Enclosed please find the final report from the Office of Program Evaluation and Government Accountability on Maine's Beverage Container Redemption Program. The report is also available on our website at <http://legislature.maine.gov/opega/opega-reports/9149>. The

public comment period on this Report has been scheduled for Thursday, June 14, 2018 at 9:00 a.m. in Room 220 Cross Building.

If you have questions, please do not hesitate to give me a call.

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

The Following Communication: (S.C. 1041)

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

May 31, 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 Criminal Justice and Public Safety,

- John-Paul E. Cote of China for appointment as the Chief, Maine State Police.

Upon the recommendation of the Committee on Judiciary,

- Gregory A. Campbell of Hampden for reappointment as a District Court Judge;
- Matthew G. Tice, Esq. of Scarborough for appointment as a District Court Judge;
- Christine Foster of Portland for appointment as an Active Retired Judge of the District Court.

Best Regards,

S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

At this point, the Speaker recognized the Representative from Dedham, Representative WARD, the Representative from Portland, Representative HARLOW and the Representative from Caribou, Representative McELWEE, and they were added to the roll call of the Second Special Session of the 128th Legislature.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-777)** on Bill "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"

(H.P. 1152) (L.D. 1666)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor

DAUGHTRY of Brunswick

FARNSWORTH of Portland

FULLER of Lewiston

McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-778)** on same Bill.

Signed:
Senators:
 LANGLEY of Hancock
 MAKER of Washington

Representative:
 GINZLER of Bridgton

READ.

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

Seven Members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-779)** on Bill "An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services"

(H.P. 1339) (L.D. 1902)

Signed:
Senator:
 MILLETT of Cumberland

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

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-780)** on same Bill.

Signed:
Representatives:
 GINZLER of Bridgton
 SAMPSON of Alfred
 STEWART of Presque Isle
 TURNER of Burlington

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "C" (H-781)** on same Bill.

Signed:
Senators:
 LANGLEY of Hancock
 MAKER of Washington

READ.

On motion of Representative KORNFIELD of Bangor, **TABLED** pending **ACCEPTANCE** of any 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:

(H.P. 652) (L.D. 924) Bill "An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-790)**

(H.P. 1321) (L.D. 1889) Bill "An Act To Increase Safety for Maine Citizens by Amending the Definition of 'Likelihood of Serious Harm' in the Laws Governing Mental Health and Hospitalization To Include Consideration of a Person's Potential for Future Serious Harm" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-776)**

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. 653) (L.D. 925) Bill "An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-791)**

On motion of Representative LOCKMAN of Amherst, was **REMOVED** from the First Day Consent Calendar.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-791)** was **READ** by the Clerk.

Representative LOCKMAN of Amherst **PRESENTED House Amendment "A" (H-792) to Committee Amendment "A" (H-791)**, which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-792) to Committee Amendment "A" (H-791)**.

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

The **SPEAKER**: The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, the amendment I am presenting is in response to my understanding of this bill, which appropriates a paltry \$5 million to the Medicaid waitlists.

These are some of Maine's most vulnerable citizens on the waitlists; elderly and disabled people who are Medicaid qualified but not enough funding is available to provide needed services for them. My understanding is that it would require about \$100 million from the General Fund to eliminate the waitlists; and I understand that's not practical, we don't have the capacity for that, but I believe we can do much better than the paltry \$5 million that's been appropriated here, that would start in October and take 50 people a month off the waitlists until we get to 300, and then it ends. We've got about 1600 people on the waitlists, and they've been waiting and waiting. Some have been on the waitlists for close to eight or ten years. I believe it's time to accept our responsibility for these folks,

and that's why I'm proposing taking \$10 million from the Information Technology budget, which is about \$120 million a year, and I believe that money would be better spent taking care of Maine's most vulnerable citizens. Thank you, Madam Speaker.

On motion of Representative GATTINE of Westbrook, **House Amendment "A" (H-792) to Committee Amendment "A" (H-791) was INDEFINITELY POSTPONED.**

On motion of Representative LOCKMAN of Amherst, the House **RECONSIDERED** its action whereby **House Amendment "A" (H-792) to Committee Amendment "A" (H-791) was INDEFINITELY POSTPONED.**

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-792) to Committee Amendment "A" (H-791).**

The **SPEAKER:** A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-792) to Committee Amendment "A" (H-791). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 666

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

NAY - Austin S, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Foley, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Sutton, Turner, Vachon, Wadsworth, Ward, White, Wood.

ABSENT - Bickford, Collings, Devin, Farrin, Grignon, Hubbell, Marean, Parker, Reckitt, Strom.

Yes, 87; No, 54; Absent, 10; Excused, 0.

87 having voted in the affirmative and 54 voted in the negative, with 10 being absent, and accordingly **House Amendment "A" (H-792) to Committee Amendment "A" (H-791) was INDEFINITELY POSTPONED.**

Representative O'CONNOR of Berwick **PRESENTED House Amendment "B" (H-793) to Committee Amendment "A" (H-791),** which was **READ** by the Clerk.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-793) to Committee Amendment "A" (H-791).**

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

The **SPEAKER:** The Representative may proceed.

Representative **O'CONNOR:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. For years, I served on Health and Human Services in the 125th Legislature, and since that time, we've been trying to fund the funding for the disabled, and I think that's a really important thing. So, what

this amendment does, and I will be very brief, it de-appropriates \$93,848 in fiscal year 2018/19 from eliminating one Deputy Secretary of State position and associated all others from the Small Business Advocate program, and uses the funding to reduce the waiting list for the disabled -- for Medicaid disabled. And I really hope that you will vote to do this. I think this money is better spent. These people have been waiting a long time for services, and I think it's high time that this legislative body gives them what they need. Thank you.

Representative GATTINE of Westbrook moved that **House Amendment "B" (H-793) to Committee Amendment "A" (H-791) be INDEFINITELY POSTPONED.**

Representative O'CONNOR of Berwick **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "B" (H-793) to Committee Amendment "A" (H-791).**

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 Indefinite Postponement of House Amendment "B" (H-793) to Committee Amendment "A" (H-791). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 667

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

NAY - Ackley, Austin S, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Foley, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Stearns, Stetkis, Stewart, Sutton, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Bickford, Collings, Devin, Farrin, Grignon, Hubbell, Marean, Parker, Reckitt, Strom.

Yes, 82; No, 59; Absent, 10; Excused, 0.

82 having voted in the affirmative and 59 voted in the negative, with 10 being absent, and accordingly **House Amendment "B" (H-793) to Committee Amendment "A" (H-791) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-791) was ADOPTED.**

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-791)** and sent for concurrence.

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

ENACTORS
Acts

An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits and Making Other Changes to the Program

(S.P. 611) (L.D. 1654)
(C. "A" S-472)

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.

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 May 2, 2018, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - Ought to Pass as Amended by Committee Amendment "A" (H-689) - Committee on **JUDICIARY** on Bill "An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse"

(H.P. 1235) (L.D. 1788)

TABLED - March 28, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-689)** was **READ** by the Clerk.

Representative MOONEN of Portland **PRESENTED House Amendment "A" (H-783)** to **Committee Amendment "A" (H-689)**, which was **READ** by the Clerk.

The **SPEAKER**: The Representative may proceed.

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I just want to briefly explain this amendment. This bill is a unanimous Committee report out of Judiciary. We held it back because there was a bill moving through Criminal Justice that was going to create a new crime in Maine law. We waited for that to become law before offering this floor amendment, which allows victims to use that same crime as grounds for a protection from abuse or harassment order. So this is really just the other side of the crime, it's helping the victims get the protection they need, and that's it. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-783)** to **Committee Amendment "A" (H-689)** was **ADOPTED**.

Committee Amendment "A" (H-689) as Amended by **House Amendment "A" (H-783)** thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-689)** as Amended by **House Amendment "A" (H-783)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

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

Bill "An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents"

(H.P. 1057) (L.D. 1537)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AND HOUSE AMENDMENT "A" (H-721)** on April 5, 2018.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AS AMENDED BY SENATE AMENDMENT "A" (S-478)** thereto **AND HOUSE AMENDMENT "A" (H-721)** in **NON-CONCURRENCE**.

TABLED - April 18, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

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

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)

(C. "A" H-756)

TABLED - April 18, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 138 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.

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

HOUSE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (H-779)** - Report "B" (4) **Ought to Pass as Amended by Committee Amendment "B" (H-780)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (H-781)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement Certain Recommendations of the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services"

(H.P. 1339) (L.D. 1902)

Which was **TABLED** by Representative KORNFIELD of Bangor pending **ACCEPTANCE** of any Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-779)** was **READ** by the Clerk.

Representative FARNSWORTH of Portland **PRESENTED House Amendment "A" (H-794)** to **Committee Amendment "A" (H-779)**, which was **READ** by the Clerk.

The **SPEAKER**: The Representative may proceed.

Representative **FARNSWORTH**: Thank you, Madam Speaker. This is fairly simple. After we got done drafting the bill, we found that there was some mandate language in the early part of the bill, and we just wanted to remove that.

Subsequently, **House Amendment "A" (H-794)** to **Committee Amendment "A" (H-779)** was **ADOPTED**.

Committee Amendment "A" (H-779) as Amended by House Amendment "A" (H-794) thereto was ADOPTED.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-779) as Amended by House Amendment "A" (H-794)** thereto and sent for concurrence.

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:

SENATE PAPERS

The following Joint Resolution: (S.P. 744)

JOINT RESOLUTION TO COMMEMORATE THE LIFE OF BARBARA BUSH, FORMER FIRST LADY OF THE UNITED STATES AND MOTHER OF THE 43RD PRESIDENT OF THE UNITED STATES

WHEREAS, the Maine State Legislature has learned of the death of Barbara Bush, former First Lady of the United States and mother of the 43rd President of the United States, and a longtime summer resident of Kennebunkport; and

WHEREAS, in 1945 the former Barbara Pierce, a native of New York State, married the Honorable George H. W. Bush, a young naval aviator who went on to a successful political career culminating in 1988 with his election as the 41st President of the United States, and they were married 73 years; and

WHEREAS, she became a popular First Lady, appreciated for her unpretentiousness and self-deprecation, and was a tireless advocate of adult literacy programs; and

WHEREAS, in Maine, she gave her time and resources to local causes and institutions, including the Maine Literacy Volunteers, The Barbara Bush Children's Hospital at Maine Medical Center and the University of New England, home to the George and Barbara Bush Center; and

WHEREAS, she and her husband had six children, two of whom also became successful politicians: the Honorable John Ellis "Jeb" Bush, Sr., who became Governor of Florida, and the Honorable George W. Bush, who became Governor of Texas and later the 43rd President of the United States; and

WHEREAS, the Members of the Senate and the Members of the House of Representatives wish to express the high esteem in which they hold the late Barbara Bush and the sadness with which they received the news of her passing; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, pause in our deliberations to commemorate the life of Barbara Bush and to recognize her contributions to the Nation and the State of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to the family of Barbara Bush as a token of our sympathy.

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

READ and **ADOPTED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists
(S.P. 695) (L.D. 1842)

(C. "A" S-387)

PASSED TO BE ENACTED in the House on March 27, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-387) AND SENATE AMENDMENT "A" (S-484)** in **NON-CONCURRENCE**.

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

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

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

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-777)** - Minority (3) **Ought to Pass as Amended by Committee Amendment "B" (H-778)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"

(H.P. 1152) (L.D. 1666)

Which was **TABLED** by Representative KORNFIELD of Bangor pending **ACCEPTANCE** of either Report.

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

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

Representative **SAMPSON**: Thank you, Madam Speaker, Men and Women of the House. I'm speaking in favor of the Majority Ought to Pass as Amended Committee report on LD 1666. I ask for support for this measure.

The Education Committee received well over a hundred testimonies, unprecedented amount by the way, expressing many grave, clearly articulated concerns, and these teachers and administrators favored full repeal of the proficiency-based diploma law at approximately a ten to one ratio. For those schools who are; that are vested in this effort, they have the freedom to continue. If what they are doing is demonstrating success, of course, continue. By making proficiency-based diploma a permissive law, options open up for districts to determine what is best for their students. This shifts the control back to the local schools, local schoolboards, parents, and teachers. These schools will simply continue awarding the same diplomas using the requirements that have been in place for decades. Nothing changes. This is not an upheaval or a new approach. Schools will continue to follow the Maine Learning Results.

One superintendent stated in testimony we received: "I have heard my colleagues in the state talk about staying the course, that too much work has been done to turn back. I think that there couldn't be a better time to halt an act that is based on many other issues besides honorable ones. The act is all in support of private enterprises, intrusive to increase their bottom line. It is not about increasing student performance."

An assistant superintendent gave testimony in support of repeal, citing problematic consequences, and I quote: "The

push towards general proficiency in every subject sacrifices the fostering of specialists. For example, an artist might need to give up AP Art in favor of remedial math." Finally, one of the approximate 130 original heartfelt letters from teachers can be summed up with this excerpt, quote: "Want to have an immediate impact in the betterment of education in Maine? End all initiatives. Pull the plug on all consulting, and the resultant savings could be shared by districts and taxpayers alike. Leave the standards in place as guidelines and let communities decide what's best for their children." This bill does just that. I ask you follow my light. Thank you, Madam Speaker.

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

Representative TUELL: Thank you, Madam Speaker. I also rise in support of this motion. I think it's a testament, and it doesn't often get credited, but this is a fine example of bipartisanship. And I know folks on both sides really worked hard to stand behind local schools, local communities, - parents, on this issue. I think it's an emotional issue for a lot of people. I know some areas really love proficiency-based diplomas and really love the path they're on, and that's great, but there are those that don't necessarily. There are communities -- every community is different. But, yet, everybody wants the best for their kids, and every community should have a measure of local control in deciding that, so I definitely will be supporting this bill, and urge others do, as well. Thank you, Madam Speaker.

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

Representative CHAPMAN: Thank you, Madam Speaker. I'd like to just clear up a couple matters regarding proficiency-based education for those who may not have given this a lot of thought. One of the difficulties in having a system that's optional is that students don't stay in the same school all the time. In fact, a fairly large percentage of students change schools during their school career, and disproportionately, those are students whose families are of lesser means. And, so, if we think about what's going to work for the kids, we've got to think about the problem of a student that transfers from one school using one system to another using another system. We also have to think about what the fiscal costs are for maintaining those two systems.

But the other thing that I wanted to make mention of, Madam Speaker, is the proficiency-based education is not new. It's been used very successfully in this state in public education for decades, and I'm referring of course to the career and technical education portion of our public education system, which has been a proficiency-based education system from its inception. So, I think it's important to recognize that what's at issue here is how the educational system functions. What ought not to be at issue here is what the changing sands of the political winds have been. It's curious to me that the very organizations that were promoting this, and it was a contentious matter when I was a freshman legislator, are now on the opposite sides of the issue, not promoting proficiency-based education.

The politics will swim back and forth and up and down and go through its contortions of irrationality forever, but those of us in education who have worked on these issues for many years understand the need for thinking about the effect that it has on the students, and so I would be opposing the pending motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative KORNFIELD: Thank you, Madam Speaker. Just to clarify, we are not speaking about proficiency-based education; we are only speaking about proficiency-based diploma. The proficiency-based diploma has been implemented very irregularly throughout the state. The diploma has become a point of contention in some towns, so the Majority Report makes this kind of diploma optional. This will be a local schoolboard decision. This will not affect the proficiency-based education that all towns are required to implement. Thank you, Madam Speaker.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-777) was READ** by the Clerk.

On motion of Representative HERBIG of Belfast, **TABLED pending ADOPTION of Committee Amendment "A" (H-777)** and later today assigned.

At this point, the Speaker recognized the Representative from Westbrook, Representative BATES, the Representative from Portland, Representative COLLINGS and the Representative from Pittsfield, Representative STROM, and they were added to the roll call of the Second Special Session of the 128th Legislature.

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

Bill "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"

(H.P. 1152) (L.D. 1666)

Which was **TABLED** by Representative HERBIG of Belfast pending **ADOPTION of Committee Amendment "A" (H-777).**

Representative KORNFIELD of Bangor **PRESENTED House Amendment "A" (H-797) to Committee Amendment "A" (H-777),** which was **READ** by the Clerk and **ADOPTED.**

Committee Amendment "A" (H-777) as Amended by House Amendment "A" (H-797) thereto was **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-777) as Amended by House Amendment "A" (H-797)** thereto and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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 May 2, 2018, 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 (9) **Ought to Pass as Amended by Committee Amendment "A" (H-751)** - Minority (4) **Ought Not to Pass** - Committee on

APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An Act To Provide Supplemental Appropriations and Allocations for the Operations of State Government" (EMERGENCY)

(H.P. 586) (L.D. 837)

TABLED - April 13, 2018 (Till Later Today) by Representative GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report.**

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

The SPEAKER: 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. 668

YEA - Ackley, Alley, Austin B, Babbidge, Bates, Battle, Beebe-Center, Berry, Black, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, 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, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Bailey, Bickford, Devin, Farrin, Grant, Grignon, Harvell, Hubbell, Kinney J, Marean, O'Connor, Parker, Pouliot, Reckitt, Stearns, Theriault, Wadsworth.

Yes, 78; No, 56; Absent, 17; Excused, 0.

78 having voted in the affirmative and 56 voted in the negative, with 17 being absent, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED.**

The Bill was **READ ONCE.** **Committee Amendment "A" (H-751)** was **READ** by the Clerk.

Representative GATTINE of Westbrook **PRESENTED House Amendment "A" (H-798) to Committee Amendment "A" (H-751),** which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **GATTINE:** Thank you, Madam Speaker, Women and Men of the House. I rise today in support of this amendment that will make available to DHHS the costs that the Chief Executive says are necessary to implement Medicaid expansion so that we can finally move forward with this issue, and more importantly, so that 70,000 Mainers can finally have access to health care.

We've been talking about Medicaid expansion for a long time, and I think it's important that we remember what it actually means. The fact is that too many Mainers are

struggling to pay their doctors' bills or not going to the doctor at all, because it's too expensive. We hear it in every community across our state; and Medicaid expansion offers a path forward for our friends and our neighbors, and a way to start making a serious impact on this health care crisis. We need to move forward with this expansion. Not only will it have significant impact on the lives of countless Mainers, but it will boost our economy by adding over 3,000 jobs and improve the health of our workforce. It will make available over \$500 million in new funds to the state annually that will go towards quality healthcare. And, Madam Speaker, Mainers recognize this. They know it makes sense. They knew what they were voting for when they went to the ballot last November, and that's why this passed convincingly at the ballot.

The SPEAKER: The Representative will defer. The Chair will remind members of the House to please take conversations outside while we are debating issues. The Representative may proceed.

Representative **GATTINE:** Thank you, Madam Speaker. This law went in effect in early January, and under the law DHHS is required to provide beginning health care coverage on July 3rd. That's about two weeks from today. But despite the fact that it is current law, there have been holdups and delays, and even lawsuits. People awaiting healthcare are no closer now than they were months ago when this initiative first passed. And ever since we came back into session, the Chief Executive and the Department have consistently said that they understand that they have to implement the law, but they've also said they can't hire the people they need to enroll the 70,000 plus people who will finally be entitled to receive the benefits they deserve. In addition, and in public and in court, they've said they require the full claims cost before they can move forward. And as the Superior Court made clear just last week, DHHS has an obligation to execute this law, and that ruling established the urgent need to get a Medicaid expansion bill to the Chief Executive's desk as quickly as possible so that he will move forward with implementation, and that's why I offer this amendment. Because we have a responsibility and an obligation to do everything in our jurisdiction to put this; to put to rest this debate, to make funds available and to stop fighting about expansion, and start realizing the health and economic benefits that will flow from it.

So, this amendment, and we received down in AFA several different cost estimates, one from OFPR, one from the Department itself, we received an independent report. This bill uses the numbers that we received from the administration. We are making available to the Chief Executive every dollar that he says he needs in order to move forward. So, when you vote on this amendment today, remember that that's what we're doing; we're giving the Chief Executive exactly what he says he needs to do something that he is required to do. His job is; the job of DHHS and of the administration is to implement the law, and our obligation is to make the funds available. But even more importantly, this is what the Maine people want and expect us to do. Mainers passed this expansion because they want more health care, not less. They don't want to see their neighbors suffer anymore, they want to give our state the tools we need to make sure more people can see a doctor, to keep critical rural hospitals open for business, and to create sorely needed jobs, and I hope that this amendment will get support of the body today, Madam Speaker. Thank you.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-798) to Committee Amendment "A" (H-751).**

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 Adoption of House Amendment "A" (H-798) to Committee Amendment "A" (H-751). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 669

YEA - Ackley, Alley, Austin B, Babbidge, Bates, Battle, Beebe-Center, Berry, Black, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, 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, Perry, Pierce T, Pouliot, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Bailey, Bickford, Devin, Farrin, Grant, Grignon, Harvell, Hubbell, Kinney J, Marean, O'Connor, Parker, Reckitt, Theriault, Wadsworth.

Yes, 78; No, 58; Absent, 15; Excused, 0.

78 having voted in the affirmative and 58 voted in the negative, with 15 being absent, and accordingly **House Amendment "A" (H-798) to Committee Amendment "A" (H-751)** was **ADOPTED**.

Committee Amendment "A" (H-751) as Amended by House Amendment "A" (H-798) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-751) as Amended by House Amendment "A" (H-798)** thereto and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation (EMERGENCY)

(S.P. 657) (L.D. 1770)

(S. "A" S-485 to C. "A" S-473)

TABLED - April 18, 2018 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - **PASSAGE TO BE ENACTED**.

Representative FREDETTE of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I just want to briefly explain part of what this bill is intended to do. This is a bill that was submitted by the Department of Labor in response to language that was added to the budget last session, and what that language did was change the way employers were charged for unemployment claims, from the most recent employer to a proportional system. However, the Department mistakenly put in language that would charge the employer that was furthest out from an employee's employment history. So, let me just give an example. If I was hired by employer A, my most recent employer, and they laid me off, but eight months ago I had an employer B that I worked for, instead of charging the employer that was the cause of separation, employer B would be charged under current law. The intention in part of this bill, LD 1770, was to correct that error in the budget from last year, and I hope that we can make sure that this passes as an emergency enactor. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is on Passage To Be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 670

YEA - Ackley, Alley, Austin B, Babbidge, 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, Golden, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, 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, Perry, Pierce T, Pouliot, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

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

ABSENT - Bailey, Bickford, Devin, Farrin, Grant, Grignon, Harvell, Hubbell, Kinney J, Marean, O'Connor, Parker, Reckitt, Theriault, Wadsworth.

Yes, 76; No, 60; Absent, 15; Excused, 0.

76 having voted in the affirmative and 60 voted in the negative, with 15 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

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)

House **INSISTED** on its former action whereby the Bill **FAILED** of **PASSAGE TO BE ENACTED** in the House on April 18, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406) AS AMENDED BY SENATE AMENDMENTS "A" (S-429) AND "B" (S-492)** thereto in **NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

Representative FREDETTE of Newport **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: 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. 671

YEA - Ackley, Alley, Austin B, Babbidge, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Fredette, Frey, Fuller, Gattine, Ginzler, Golden, Grohman, Haggan, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Higgins, Hogan, 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, Perry, Pierce T, Rykerson, Sampson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Ward, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Foley, Gerrish, Gillway, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Hilliard, Johansen, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Wallace, White, Winsor, Wood.

ABSENT - Bailey, Bickford, Chapman, Devin, Farrin, Grant, Grignon, Harvell, Hubbell, Kinney J, Marean, O'Connor, Parker, Reckitt, Riley, Theriault, Wadsworth.

Yes, 84; No, 50; Absent, 17; Excused, 0.

84 having voted in the affirmative and 50 voted in the negative, with 17 being absent, and accordingly the House voted to **RECEDE AND CONCUR**.

ENACTORS

Acts

An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents

(H.P. 1057) (L.D. 1537)
(S. "A" S-478 to C. "A" H-710; H. "A" H-721)

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists

(S.P. 695) (L.D. 1842)
(C. "A" S-387; S. "A" S-484)

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.

Acts

An Act To Require Notification of Adverse Changes to Prescription Drug Formularies in Health Plans

(H.P. 487) (L.D. 696)
(C. "A" H-772)

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

On motion of Representative FREDETTE of Newport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 on Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 672

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

NAY - NONE.

ABSENT - Bailey, Bickford, Chapman, Devin, Farrin, Grant, Grignon, Harvell, Hubbell, Kinney J, Marean, O'Connor, Parker, Reckitt, Theriault, Wadsworth.

Yes, 135; No, 0; Absent, 16; Excused, 0.

135 having voted in the affirmative and 0 voted in the negative, with 16 being absent, and accordingly the Bill was **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** with the exception of matters being held.

Emergency Measure

An Act Making Certain Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government

(H.P. 653) (L.D. 925)
(C. "A" H-791)

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

Representative GOLDEN of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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 Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 673

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

NAY - Johansen, Lockman, Sanderson, Sirocki, Sutton, Turner.

ABSENT - Bailey, Bates, Beebe-Center, Bickford, Chapman, Devin, Farrin, Grignon, Harvell, Herbig, Hubbell, Kinney J, Marean, O'Connor, Parker, Reckitt, Sanborn, Theriault, Wadsworth.

Yes, 126; No, 6; Absent, 19; Excused, 0.

126 having voted in the affirmative and 6 voted in the negative, with 19 being absent, and accordingly the Bill was **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** with the exception of matters being held.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System"

(S.P. 712) (L.D. 1869)
(C. "A" S-468)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)** in the House on April 17, 2018.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469) AS AMENDED BY SENATE AMENDMENTS "B" (S-491) AND "C" (S-495)** thereto in **NON-CONCURRENCE**.

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

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

ENACTORS

Acts

An Act To Strengthen Requirements for Water Testing for Schools

(S.P. 20) (L.D. 40)
(S. "A" S-429 and S. "B" S-492 to C. "A" S-406)

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.

Non-Concurrent Matter

An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation (EMERGENCY)

(S.P. 657) (L.D. 1770)
(S. "A" S-485 to C. "A" S-473)

FAILED of **PASSAGE TO BE ENACTED** in the House on June 19, 2018.

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

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

Representative FECTEAU of Biddeford **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: 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.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 674

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Battle, Berry, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Hickman, Hogan, 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, Perry, Pierce T, Pouliot, Riley, Rykerson, Schneck, Sheats, Sherman, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

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

ABSENT - Bailey, Bates, Beebe-Center, Bickford, Chapman, Devin, Farrin, Grignon, Harvell, Herbig, Hubbell, Kinney J, Marean, O'Connor, Parker, Reckitt, Sanborn, Theriault, Wadsworth.

Yes, 74; No, 58; Absent, 19; Excused, 0.

74 having voted in the affirmative and 58 voted in the negative, with 19 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

ENACTORS

Emergency Measure

Resolve, To Establish the Blue Ribbon Commission on Community Safety

(H.P. 1321) (L.D. 1889)
(C. "A" H-776)

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. 115 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse

(H.P. 1235) (L.D. 1788)
(H. "A" H-783 to C. "A" H-689)

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** with the exception of matters being held.

CONSENT CALENDAR

First Day

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

(S.P. 84) (L.D. 238) Bill "An Act To Amend the Maine Medical Use of Marijuana Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-443)**

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.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative WINSOR of Norway, the House adjourned at 4:49 p.m., until 10:00 a.m., Wednesday, June 20, 2018.