

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 5, 2018

pages 1 -

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
17th Legislative Day
Tuesday, February 26, 2019

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

Prayer by Rabbi Lisa Vinikoor, Beth Israel Congregation, Bath.

National Anthem by Bonny Eagle High School Chorus, Standish.

Pledge of Allegiance.

Doctor of the day, Barbara Moss, D.O., Manchester.

At this point, a message came from the Senate borne by Senator LIBBY of Androscoggin of that Body, proposing a Joint Convention of both branches of the Legislature to be held in the Hall of the House at 10:45 in the morning for the purpose of extending to the Honorable Leigh I. Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary, an invitation to attend the Joint Convention and to make such communication as pleases the Chief Justice.

Thereupon the House voted to concur in the proposal for a Joint Convention to be held at 10:45 in the morning and the Speaker appointed Representative MOONEN of Portland to convey this message to the Senate.

Subsequently, Representative MOONEN of Portland reported that he had delivered the message with which he was charged.

The Journal of Thursday, February 21, 2019 was read and approved.

SENATE PAPERS

Bill "An Act To Amend the Laws Governing Car Seats"
(S.P. 44) (L.D. 157)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 96)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY
82 STATE HOUSE STATION, ROOM 107 CROSS BUILDING
AUGUSTA, MAINE 04333-0082**

February 12, 2019

Honorable Justin Chenette, Senate Chair

Honorable Anne-Marie Mastraccio, House Chair

Members of the Government Oversight Committee

82 State House Station

Augusta, Maine 04333

Honorable Troy D. Jackson, President of the Senate

Members of the 129th Maine Senate

3 State House Station

Augusta, Maine 04333

Honorable Sara Gideon, Speaker of the House

Members of the 129th Maine House of Representatives

2 State House Station

Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 MRSA §995(4), I respectfully submit the Office of Program Evaluation and Government Accountability (OPEGA) Annual Report on Activities and Performance for 2018. OPEGA's service to the Legislature as an independent, non-partisan resource is meant to support the important role of legislative oversight and to help improve the performance of State government. The staff of OPEGA and I continue to be committed to serving Maine's legislators and citizens as a trusted source of objective, credible information.

Sincerely,

S/Danielle D. Fox

Director

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

The Following Communication: (H.C. 97)

STATE OF MAINE

CLERK'S OFFICE

2 STATE HOUSE STATION

AUGUSTA, MAINE 04333-0002

February 26, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committee has voted unanimously to report the following bill out "Ought Not to Pass:"

Education and Cultural Affairs

L.D. 137

An Act To Make the Maine Learning
Technology Initiative More Cost-effective

Sincerely,

S/Robert B. Hunt

Clerk of House

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

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Encourage the Purchase and Sale of Locally Grown and Raised Crops and Products"

(H.P. 726) (L.D. 971)

Sponsored by Representative DUNPHY of Old Town.

Cosponsored by Senator BLACK of Franklin and Representatives: HICKMAN of Winthrop, KINNEY of Knox, MAXMIN of Nobleboro, O'NEIL of Saco, PLUECKER of Warren, Senators: DILL of Penobscot, VITELLI of Sagadahoc.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021" (EMERGENCY)

(H.P. 723) (L.D. 968)

Sponsored by Representative HUBBELL of Bar Harbor.

Bill "An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019" (EMERGENCY)

(H.P. 724) (L.D. 969)

Sponsored by Representative HUBBELL of Bar Harbor.

Bill "An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019" (EMERGENCY)

(H.P. 742) (L.D. 1000)

Sponsored by Representative GATTINE of Westbrook. (GOVERNOR'S BILL)

Cosponsored by Senator BREEN of Cumberland and Representatives: DUNPHY of Old Town, HUBBELL of Bar Harbor, JORGENSEN of Portland, MILLETT of Waterford, PIERCE of Falmouth, WADSWORTH of Hiram, Senator: SANBORN, L. of Cumberland.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021" (EMERGENCY)

(H.P. 743) (L.D. 1001)

Sponsored by Representative GATTINE of Westbrook. (GOVERNOR'S BILL)

Cosponsored by Senator BREEN of Cumberland and Representatives: DUNPHY of Old Town, HUBBELL of Bar Harbor, JORGENSEN of Portland, MARTIN of Eagle Lake, MILLETT of Waterford, PIERCE of Falmouth, Senator: SANBORN, L. of Cumberland.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Stabilize County Corrections"

(H.P. 728) (L.D. 973)

Sponsored by Representative WARREN of Hallowell.

Bill "An Act To Amend the Penalties for Engaging in Prostitution"

(H.P. 729) (L.D. 974)

Sponsored by Representative WARREN of Hallowell.

Cosponsored by Representative: COREY of Windham.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Provide Consistent Data Regarding Education Funding"

(H.P. 734) (L.D. 979)

Sponsored by Representative STEARNS of Guilford.

Cosponsored by Representatives: DAUGHTRY of Brunswick, KORNFIELD of Bangor, PIERCE of Falmouth, SAMPSON of Alfred.

Bill "An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards"

(H.P. 740) (L.D. 985)

Sponsored by Representative FECTEAU of Augusta.

Cosponsored by Representatives: DRINKWATER of Milford, GRIFFIN of Levant, JAVNER of Chester, MILLETT of Waterford, RUDNICKI of Fairfield, SAMPSON of Alfred, STEWART of Presque Isle.

Resolve, Directing the Department of Education To Develop a Model School Disciplinary Policy

(H.P. 752) (L.D. 1010)

Sponsored by Representative MORALES of South Portland.

Cosponsored by Senator SANBORN, L. of Cumberland and Representatives: BEEBE-CENTER of Rockland, PIERCE of Falmouth, Senator: BREEN of Cumberland.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend Provisions of the Maine Energy Cost Reduction Act Regarding Assessments on Ratepayers"

(H.P. 735) (L.D. 980)

Sponsored by Representative RILEY of Jay.

Cosponsored by Senator LAWRENCE of York and Representatives: BERRY of Bowdoinham, CAIAZZO of Scarborough, DENK of Kennebunk, GRIGNON of Athens, HANLEY of Pittston, KESSLER of South Portland, WADSWORTH of Hiram.

Bill "An Act To Ensure Accurate Explanations of Electric Bills"

(H.P. 745) (L.D. 1003)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator CHENETTE of York and Representatives: ACKLEY of Monmouth, CAIAZZO of Scarborough, COLLINGS of Portland, CROCKETT of Portland, KESSLER of South Portland, RILEY of Jay, RISEMAN of Harrison, Senator: GRATWICK of Penobscot.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent for concurrence.

Resolve, Directing the Department of Environmental Protection To Review and Update Its Report on Emissions from Marine Vessels

(H.P. 730) (L.D. 975)

Sponsored by Representative ZEIGLER of Montville.

Bill "An Act To Exempt from Permit Requirements the Repair of Low-head Dams"

(H.P. 738) (L.D. 983)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Representatives: ALLEY of Beals, BRENNAN of Portland, CAMPBELL of Orrington, COREY of Windham,

DUNPHY of Old Town, MILLETT of Waterford, TUELL of East Machias, Senators: BLACK of Franklin, TIMBERLAKE of Androscoggin.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent for concurrence.

Resolve, To Increase Access to Brain Injury Waiver Services

(H.P. 727) (L.D. 972)

Sponsored by Representative WARREN of Hallowell.

Cosponsored by Representatives: GRAMLICH of Old Orchard Beach, STOVER of Boothbay.

Bill "An Act To Implement the State's Recently Approved Request for a Section 1115 Demonstration for MaineCare"

(H.P. 736) (L.D. 981)

Sponsored by Representative O'CONNOR of Berwick.

Cosponsored by Senator TIMBERLAKE of Androscoggin and Representatives: CAMPBELL of Orrington, COREY of Windham, KINNEY of Knox, ORDWAY of Standish, SAMPSON of Alfred, STEWART of Presque Isle, WADSWORTH of Hiram, Senator: BLACK of Franklin.

Resolve, To Expand the Use of the Women, Infants and Children Special Supplemental Food Program at Farmers' Markets

(H.P. 737) (L.D. 982)

Sponsored by Representative DAUGHTRY of Brunswick.

Cosponsored by Representatives: ACKLEY of Monmouth, FOLEY of Biddeford, HYMANSON of York, MADIGAN of Waterville, McCREIGHT of Harpswell, TEPLER of Topsham, TERRY of Gorham, TIPPING of Orono.

Resolve, To Increase Funding for Children's Behavioral Health Issues in Order To Return to the State Children Who Are Currently Housed in Residential Treatment Systems outside of the State and To Suspend Certain Contracts Related to Psychiatric Residential Treatment Facilities

(H.P. 739) (L.D. 984)

Sponsored by Representative GRAMLICH of Old Orchard Beach.

Cosponsored by Senator LIBBY of Androscoggin and Representatives: BEEBE-CENTER of Rockland, BRENNAN of Portland, MADIGAN of Waterville, McCREIGHT of Harpswell, PERKINS of Oakland, STEWART of Presque Isle, Senators: MOORE of Washington, SANBORN, L. of Cumberland.

Bill "An Act To Expand Lead Inspections to Other Properties of the Owner of a Property Determined to Contain Lead"

(H.P. 741) (L.D. 986)

Sponsored by Representative HANDY of Lewiston.

Cosponsored by Senator LIBBY of Androscoggin and Representatives: BROOKS of Lewiston, CLOUTIER of Lewiston, CRAVEN of Lewiston.

Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County (EMERGENCY)

(H.P. 747) (L.D. 1005)

Sponsored by Representative PERRY of Calais.

Cosponsored by Senator MOORE of Washington and Representatives: ALLEY of Beals, JAVNER of Chester, NEWELL of the Passamaquoddy Tribe, STOVER of Boothbay, TUELL of East Machias.

Resolve, To Require the Development of Strategies for Reducing Health Disparities Based on Social Determinants

(H.P. 748) (L.D. 1006)

Sponsored by Representative GATTINE of Westbrook.

Cosponsored by Senator SANBORN, L. of Cumberland and Representatives: DUNPHY of Old Town, HUBBELL of Bar Harbor, MORALES of South Portland, PIERCE of Falmouth, TALBOT ROSS of Portland, Senator: MILLETT of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Require Additional Lead Screening for Children"

(H.P. 731) (L.D. 976)

Sponsored by Representative MORALES of South Portland.

Cosponsored by Representatives: DENK of Kennebunk, FAY of Raymond, GATTINE of Westbrook, MEYER of Eliot, PIERCE of Falmouth, RECKITT of South Portland, ROBERTS-LOVELL of South Berwick.

Committee on **HEALTH AND HUMAN SERVICES** suggested.

On motion of Representative HYMANSON of York, **TABLED** pending **REFERENCE** and later today assigned.

Bill "An Act To Provide Protections for Maine Patients Facing Step Therapy"

(H.P. 751) (L.D. 1009)

Sponsored by Representative WARREN of Hallowell.

Cosponsored by Senator SANBORN, H. of Cumberland and Representatives: GRAMLICH of Old Orchard Beach, PIERCE of Falmouth, PRESCOTT of Waterboro, TEPLER of Topsham, Senators: FOLEY of York, ROSEN of Hancock, SANBORN, L. of Cumberland, VITELLI of Sagadahoc.

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Expand and Enhance Maine's Behavioral Health Direct Care Workforce"

(H.P. 749) (L.D. 1007)

Sponsored by Representative GATTINE of Westbrook.

Cosponsored by Senator SANBORN, L. of Cumberland and Representatives: HYMANSON of York, MADIGAN of Waterville.

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested.

On motion of Representative TEPLER of Topsham, the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, ordered printed and sent for concurrence.

Bill "An Act To Clarify Maine's Protection from Abuse Statutes"

(H.P. 733) (L.D. 978)

Sponsored by Representative BAILEY of Saco.

Cosponsored by Representatives: CARDONE of Bangor, HARNETT of Gardiner, RECKITT of South Portland.

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Bill "An Act To Include State Employee Stipends as Earnable Compensation"

(H.P. 750) (L.D. 1008)

Sponsored by Representative GATTINE of Westbrook.

Cosponsored by Senator BELLOWS of Kennebec and Representatives: CARNEY of Cape Elizabeth, SYLVESTER of Portland.

Committee on **LABOR AND HOUSING** suggested and ordered printed.

REFERRED to the Committee on **LABOR AND HOUSING** and ordered printed.

Sent for concurrence.

Bill "An Act To Encourage Policies Regarding Accessory Dwelling Units under Local Comprehensive Plans and Zoning Requirements"

(H.P. 725) (L.D. 970)

Sponsored by Representative CAMPBELL of Orrington.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: DRINKWATER of Milford, FAY of Raymond, KESCHL of Belgrade, O'CONNOR of Berwick, PERKINS of Oakland, STANLEY of Medway, VEROW of Brewer, Senator: CHIPMAN of Cumberland.

Bill "An Act To Reduce Costs and Emissions by Increasing Telecommuting at State Agencies"

(H.P. 746) (L.D. 1004)

Sponsored by Representative BERRY of Bowdoinham.

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Restore the Super Credit for Substantially Increased Research and Development"

(H.P. 732) (L.D. 977)

Sponsored by Representative HEPLER of Woolwich.

Cosponsored by Senator BELLOWS of Kennebec and Representatives: DAUGHTRY of Brunswick, LANDRY of Farmington, SKOLFIELD of Weld, STOVER of Boothbay, TEPLER of Topsham, WARREN of Hallowell.

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021" (EMERGENCY)

(H.P. 744) (L.D. 1002)

Sponsored by Representative McLEAN of Gorham. (GOVERNOR'S BILL)

Cosponsored by Senator DIAMOND of Cumberland and Representatives: AUSTIN of Skowhegan, BRYANT of Windham, COLLINGS of Portland, PERKINS of Oakland, SHEATS of Auburn, WHITE of Waterville, Senators: CHIPMAN of Cumberland, FARRIN of Somerset.

Committee on **TRANSPORTATION** suggested and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative FARNSWORTH of Portland, the following Joint Resolution: (H.P. 753) (Cosponsored by Senator BREEN of Cumberland and Representatives: BROOKS of Lewiston, CRAVEN of Lewiston, CROCKETT of Portland, HANDY of Lewiston, MATLACK of St. George, McCREIGHT of Harpswell, TEPLER of Topsham, WARREN of Hallowell)

JOINT RESOLUTION RECOGNIZING FEBRUARY 26, 2019 AS SUICIDE PREVENTION DAY

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals 10 to 34 years of age; and

WHEREAS, in the United States, one person dies by suicide every 12.3 minutes, resulting in over 44,000 suicides each year; and

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade; and

WHEREAS, it is estimated that there are over 1.1 million suicide attempts each year; and

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, which is often not recognized or treated; and

WHEREAS, suicide results in an estimated \$51 billion in combined medical and work loss costs nationally; and

WHEREAS, the stigma associated with mental health conditions and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and survivors of suicide attempts; and

WHEREAS, suicide is a preventable national and state public health problem and suicide prevention must be a priority; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize February 26, 2019 as Suicide Prevention Day and to recognize the importance of the development and implementation of strategies to increase access to mental health and suicide prevention services.

READ.

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

Representative **FARNSWORTH:** As people are well aware from the resolution itself, suicide is a very serious problem in our country and especially with teenagers. This has become a very, very critical issue. One of the problems with suicide prevention, however, is it's hard to sort of judge the

number of people that have not chosen that path. All we have are the statistics on the number of people that have chosen that path, and that's a sad statistic that we have to look at. You've been -- we've passed out to everybody a brochure to give you some ideas about ways in which we can make a significant impact on this issue, but at this particular point we just need to become very, very sensitive to this issue and take steps in order to work toward preventing suicide. Thank you very much.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Main Street Skowhegan and the Town of Skowhegan, which set the new Guinness World Record for the most people moose calling simultaneously on June 9, 2018 at the Skowhegan Moose Festival. One thousand and fifty-four people participated in the attempt, led by Registered Maine Guide Roger Lambert. We extend our congratulations and best wishes;

(HLS 85)

Presented by Representative AUSTIN of Skowhegan. Cosponsored by Senator FARRIN of Somerset.

On **OBJECTION** of Representative AUSTIN of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Austin.

Representative **AUSTIN**: Madam Speaker, Ladies and Gentlemen of the House, I'd just like to say that we're really proud of Skowhegan and proud of the Main Street Association. They have elicited so many volunteers that helped to make this go and there are a number of people now in Skowhegan that know how to do a moose call and that includes me, and I thought that you might all be interested in knowing that all you have to do, and you can try it with me, all you have to do is take your fingers and put them here over your nose so you kind of sound kind of nasal and cup your fingers and then go (*moose call sound*). Everybody ready to try? Okay, okay, everybody ready? Okay, here we go (*moose call sound*). Now you have a sense of how things went.

The SPEAKER: The Representative will defer. The House will be in order. The Chair made a mistake in calling the minority leader during this speech -- no, just kidding.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 109) (L.D. 127) Bill "An Act To Amend the Laws Governing Maine Potato Board Districts" Committee on

AGRICULTURE, CONSERVATION AND FORESTRY reporting Ought to Pass

There being no objections, the above item was ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 24) (L.D. 23) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 40) (L.D. 39) Resolve, To Designate a Bridge in Waterville as the Specialist Wade A. Slack Memorial Bridge

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend the Laws Governing Multiple-party Accounts with Financial Institutions

(S.P. 54) (L.D. 242)

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. 117 voted in favor of the same and 8 against, 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**.

Resolves

Resolve, To Name a Bridge in the Town of Lincoln and the Town of Chester the Master Sergeant Gary Gordon Bridge

(H.P. 8) (L.D. 7)

Resolve, Designating a Portion of Route 1 in Downeast Maine the Hannah and Rebecca Weston Trail

(H.P. 18) (L.D. 17)

Resolve, Naming a Highway and Renaming a Bridge in the Town of Whiting

(H.P. 33) (L.D. 32)

Resolve, To Name the Bridge on Main Street in the Town of Orono the Brandon M. Silk Memorial Bridge

(H.P. 163) (L.D. 200)

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**.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment, Thursday, February 21, 2019, 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 Attract, Educate and Retain New State Residents To Strengthen the Workforce"

(H.P. 468) (L.D. 647)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - February 7, 2019 (Till Later Today) by Representative KORNFIELD of Bangor.

PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**, ordered printed and sent for concurrence.

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

At this point, the Senate came and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Troy D. Jackson in the Chair.

The Convention was called to order by the Chair

On motion of Senator CARPENTER of Aroostook, it was **ORDERED**, that a Committee be appointed to wait upon the Honorable Leigh Ingalls Saufley, Chief Justice of the Supreme Judicial Court, the Justices of the Supreme Judicial Court, and members of the Judiciary and inform them that the two branches of the Legislature are in Convention assembled, ready to receive such communications as pleases the Chief Justice.

The Order was **READ** and **PASSED**.

The Chair will appoint the following:

- The Senator From Aroostook, Sen. Carpenter
- The Senator From Kennebec, Sen. Bellows
- The Senator From Oxford, Sen. Keim
- The Representative From Saco, Rep. Bailey
- The Representative From Kennebunk, Rep. Babbidge
- The Representative From Bangor, Rep. Cardone
- The Representative From South Portland, Rep. Reckitt
- The Representative From Portland, Rep. Talbot Ross
- The Representative From Gardiner, Rep. Harnett
- The Representative From Madison, Rep. Curtis
- The Representative From Caribou, Rep. Deveau
- The Representative From Friendship, Rep. Evangelos

Subsequently, Senator CARPENTER of Aroostook, for the Committee reported that the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, and the Honorable members of the Judiciary will attend forthwith.

The Chair welcomed to the Convention the Honorable members of the Judiciary.

The Chair welcomed to the Convention the Justices of the Maine Supreme Judicial Court: Associate Justice Donald G. Alexander, Associate Justice Andrew Mead, Associate Justice Joseph Jabar, Associate Justice Jeffrey Hjelm, and Associate Justice Thomas Humphrey. The Chair also recognized Chief Justice Roland Cole of the Superior Court, Deputy Chief Judge Robert Mullen of the Superior Court, Chief Judge Susan Oram of the District Court, and Deputy Chief Judge Susan Sparaco of the District Court.

The Chair welcomed to the Convention the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, accompanied by the Governor of the State of Maine, Governor Janet Mills.

The Chair recognized in the House Gallery William Saufley, Esq., husband of Chief Justice Saufley and Dick and Janet Ingalls, parents of Chief Justice Saufley; Chief Judge Rebecca Irving, Passamaquoddy Tribal Court and her sister, Lieutenant Colonel Connie Rohret; Judge Robert Washburn, President Maine Probate Judges' Assembly; James T. Glessner, State Court Administrator; Elaine Clark, Director, Court Communication Government and Media Liasion; and Julie Finn, Legislative Analyst

The Chair requested the Honorable Leigh Ingalls Saufley, Chief Justice of the Maine Supreme Judicial Court, to please step forward and address the Joint Convention.

Chief Justice **SAUFLEY**: Thank you. That was lovely, I appreciate that. Thank you, and good morning.

Good morning, Governor Mills. Just checking to make sure we got her in here. President Jackson, Speaker Gideon, Members of the 129th Maine Legislature, and guests, thank you for the honor of this invitation to address you today on the State of Maine's Judiciary.

Before I begin, I have to mention this historic occasion. As of today, I have had the great honor of being accompanied into this chamber by four different governors. This is the first time that the governor came from Franklin County.

So, seriously, as of today, it will now be evident to all our daughters and sons that anyone can be a part of this great experiment in representative democracy. For our youth, anything is possible, and for demonstrating that fact, we are grateful to Governor Mills. Now -- yes, yes, all right?

This speech is full of technology and criminal justice, so you want to take the applause where you can find them.

I also want you -- you have already welcomed my family but I need to tell you just a little bit about them because I am so grateful for the fact that I have had the great good fortune to be supported by this extraordinary family. So, my niece who is here with us today, Alison Ingalls, has been a leader in so many things. She's been involved in Seeds of Peace and the Yellow Tulip Project and she makes us proud every day and I'm so happy to have her here. And my husband, to whom I have been married for 38 years, and you've all heard the term longsuffering? 38 years. And I just have to comment about my parents because I'm so happy that I have my parents still with us, still supporting me. So, what you need to know about my parents is they taught me that hard work and engagement in the community are really important. They've been married for 65 years and between them they are 174 years old. This is where my mother would like you to know that my father is 130.

I also want to welcome in the gallery today visitors with the governor, and so I'm going to ask them to stand: Deputy Ambassador Kirsten Hillman and former New Brunswick Premier, Consul General David Alward are with us today. If you would stand and accept our thanks--thanks very much.

And I'm going to introduce my colleagues this morning and, really, I just do this because this is the only time in the year when I have any control over them whatsoever. So, I will ask them to stand as I call their name and remain standing. From the Supreme Judicial Court, Justices Don Alexander, Andrew Mead, Joe Jabar, Jeff Hjelm, Tom Humphrey, and the Trial Court Chiefs, Superior Court Chief Justice Roland Cole, his Designated Deputy, Justice Bob Mullen, District Court Chief Judge Susan Oram, and Deputy Chief Judge Susan Sparaco. Well done, thank you.

You can all be very proud of the judges and magistrates throughout this state who work so hard every day to help Maine people find justice. And, have I mentioned that these wonderful judges, Maine's trial judges, are right at the bottom of the country when it comes to compensation? I might have mentioned that before. The budget proposed by Governor Mills will provide a modest increase in that compensation. I hope you will support the Governor's budget as it addresses all aspects of the judicial branch. It is a thoughtful budget aimed at safe courts and excellent public service. Thank you, Governor Mills.

And I want to take this opportunity to thank all of the other people who serve the public in the Judicial Branch; 455 state employees who cover the entire state, from the clerks who form the backbone of the courts, to the marshals who have kept the public safe, to the administrators on whom we rely for constant improvements. We could not provide access to justice in Maine without their commitment and dedication to public service.

And so, to the State of the Judiciary; I often look for one word to describe to you the State of Maine's Judiciary, but today I ask for your indulgence - it will take me two words. The Judicial Branch in Maine is In Transition. And I'm going to focus on three areas of transition today. First, the world around us is in transition. Second, we are transitioning to a digital case management and eFiling system. And, third, there are huge transitions across the country and in Maine regarding criminal and juvenile justice.

So, first to the world in transition. Nearly every aspect of our world is changing and many of those changes are driven by developments in technology. Some of you -- I see so many young faces, so some of you will remember how we all used to respond to temporary power outages. We had to wait for our children to come home to reset our clocks on the VCR and the coffee maker. Some of you do remember that. I actually long for that world. Technological changes and innovations are already having a significant impact on the delivery of justice and here are just a few of the changes that we're seeing.

The practice of law and the delivery of legal services are changing. The use of artificial intelligence for screening legal problems, creating legal documents, and even mediating disputes is expanding every day, and the increase in mobile applications will change the way lawyers do their jobs. Technology to support the appearance of parties, witnesses, and interpreters from remote locations is becoming a necessity. Evidence in the form of cellphone videos, Facebook messages, video from body and dashcams, and digital document troves must all be captured and preserved somehow and then made available in a format that judges and juries can review. Digital legal research has all but eliminated our old

system of law libraries. Remember books? The methods by which the members of the public seek out information about their legal rights is changing, and I pause here to thank the Maine Legislature for its accessible and helpful website. A website, by the way, that has no paywall.

The Maine response has to be consistent in the Judicial Branch. These and other transitions require that the Judicial Branch work constantly just to keep up. Here are a few of our recent successes.

Video equipment is being updated in many courthouses to improve high-quality, real-time video conferencing, digital mediation which we have now seen successfully deployed in other states is now an option in Aroostook and Penobscot Counties and it is expanding into other counties. Interpreters from across the country are becoming available through video to provide much-needed spoken language and ASL services in Maine's courthouses. Courthouses are being rewired to improve service and provide critically important wireless internet access by the public. Improved access to broadband services will be a big help.

Schedules are being shifted throughout the state to assure that complex family matters are coordinated so that families with a single -- with complex problems will have a single team, a judge, a magistrate, and a clerk, consistently assigned to that family to assure expedited attention and continuity. The Judicial Branch website is undergoing a complete accessibility revision that will include forms and instruction booklets in multiple languages, helpful videos for use by unrepresented litigants, as well as lawyers and the public, and quick access to information and other sites.

And the transitions continue. We are looking ahead to future improvements in technology and in our facilities. So, as always, safety first. With your support and with the benefits from the consolidation of court facilities, the Judicial Branch is now able to provide marshals and entry screening equipment on 77% of all court days throughout the state. That's progress. However, the volatility of high-conflict litigation and the very real worry about the potential of an active shooter is serious and we must reach that 100% mark soon. Last year, the presence of Judicial Branch marshals added immeasurably to the safety of the public, and their presence even stopped seven firearms that were actually brought into courthouses.

With regard to building technology, we are planning that the new consolidated courthouse in York County will be the Judicial Branch's very first zero net energy building. A combination of geothermal heating and cooling and solar panels will provide a more comfortable and less expensive internal environment long into the future. We are also hoping that improvements in digital communication will allow us to create a system of text message alerts to remind defendants of upcoming criminal court dates. A few states have actually tried this and have found it to be very helpful in avoiding inadvertent failures to appear. Now, think of the ripple effect here: Fewer arrest warrants, less stress on the county jails and, most important, reduced disruption of people's lives, jobs, and families. We have to get to this. Also in the future we hope to establish a digital system for search warrants.

One note of caution is in order, however. None of these projects is as simple as it sounds and each of the projects must constantly be reviewed for quality and accuracy. Our goal should be to provide better public service, not just more annoying public service. In other words, we have to be careful and we have to do it right, and I look forward to working with you to assure that we're all focusing on the kinds of technology that will actually best serve the public.

I move now to our next topic on transition; the design and rollout -- excuse me -- of Maine's new digital case management and eFiling system. You all want to stand up and breathe and -- because this is pretty exciting. It actually -- the sad thing is, for me, this is very exciting, so I'm hoping you'll come on this journey with me.

Last year, I updated the 128th Legislature on the Judicial Branch's comprehensive contract with Tyler Technologies. Over the last year, much has been accomplished. The first iteration of the digital traffic system has rolled out in the Violations Bureau. We are learning every day about ways to improve the public's access and we do have continued challenges with the new system, including challenges in getting reports out to law enforcement and the critically important connections to the Secretary of State's office. But, so far, with regard to the individual members of the public, they are reporting primarily very positive experiences with the system. As we resolve those challenges and complete the work on the traffic ticket system, we will turn to the design and rollout of the very first region to go live with all the cases and those are Penobscot and Piscataquis Counties.

This project requires the attention of everyone in the court system, not just the technology experts. It requires a design that can be used by unrepresented litigants as well as lawyers. It will require courthouses to provide public access to terminals for those users who do not have computers, smartphones, or access to local libraries. It must be built to gather better data accurately and effectively to improve the information necessary for court management, future legislative decisions, and budget considerations. You hear me say this every year; we manage what we measure and better access to reliable and relevant data will help all of us responding to public needs. And it is critically important that we assure the stability and security of all of those digital records. The very words "cyber security" are keeping me up nights. So, if you have the answer, memo on my desk in the morning. It's daunting and we are working very hard. This is one of the most complex projects I've ever been involved with in government.

And one of the most important questions to be answered before the first region goes live is this; which digital case records will be available to the public through the internet? This question requires us to balance the tradition and laws regarding open courts against the very real challenge that instant and seemingly permanent access to private details of litigants' lives may create. As I reported last year on this complicated question, we are obtaining as much input as we possibly can. We actually began the first widely represented stakeholders' group which we call the Transparency and Privacy Task Force in 2017 and they reported to the court in the fall of '17. We published the report, sought written comments, and held a public hearing for further input in the spring of 2018. You will be shocked to learn that there is some disagreement about where the balance between public governmental transparency and personal privacy falls.

The Supreme Judicial Court made the first major decision regarding access to digital records last spring. We determined that digital case records that are public records will, in most instances, be available on the internet. We concluded that creating a digital case record system that could only be accessed at a courthouse terminal, as had initially been proposed, simply would not work for the great majority of the public's needs. Then began the very important work of clarifying the public and nonpublic records and with input from a variety of sources, relying on existing legislation and the excellent work of the Right to Know Advisory Committee, we

created a very first rough draft of legislation and sought comments on that proposal. Following those comments, many of which were very helpful, we drafted a more focused piece of legislation and I'm pleased to report that the proposal, which hasn't yet been printed, will be sponsored by the Chairs of the Judiciary Committee, Senator Carpenter, and Representative Bailey.

The proposed legislation acknowledges the important public policy decisions that have already been made by Maine's Legislature to make certain limited proceedings closed to the public. It also recognizes that it is ultimately the responsibility of the Judicial Branch to promulgate rules addressing the details of access to case records. We're in the process of creating a comprehensive set of court rules that will address those details, and here are some of the basics: This will be about two hours if you want -- no, I promise you, it's just a page.

The parties and their representatives will have digital access to their own records through a platform-neutral internet-based portal. In other words, you don't need a special program to reach your own court records and you will not pay to see your court files. The following digital case records, with a few narrowly tailored exceptions, will be publicly available to the -- on the internet. That means available to anyone, not just the parties: Criminal cases, traffic infractions, and most civil cases. We estimate that those cases comprise more than 85% of the court's annual case filings. Some kinds of information will not be available to the public in any digital files such as Social Security Numbers, bank accounts, or personal medical records. Other case types will, again with a few exceptions, not be publicly available. Those include, for example, adoption records, child protection records, most juvenile cases, and mental health civil commitment records.

There are two case types that we're still addressing: Domestic violence and family cases. In domestic violence, we must all comply with a federal law that shields any information identifying the petitioner from any internet availability. We will have more on this soon. In family cases, we're designing a hybrid rule that will allow public access to the nature of the proceedings and summaries of the resulting judicial actions but will not provide public access to the very personal filings between and among the parties, many of which relate to the struggles that children experience during periods of family instability. And, again, we must be careful not to confuse the public's right to know what its government is doing with an unlimited right to obtain private information about individuals simply because those individuals must interact with the courts.

As Justice Ann Murray has noted in her work on this system, the last thing we want is for the public to have internet access to a filing that says because of the increasing animosity between the parents the parties' 13-year-old son is wetting his bed again. Just think about that for a minute. Imagine the bullying and the lifetime of humiliation that would follow if those records which exist in paper all through the system are available on the internet.

We are continuing to seek input on the best balance of transparency and privacy and we all know that the consequences of these decisions will affect the public in ways we may not yet anticipate.

The next steps include meetings of the rules committees - - the Rules Advisory Committees here in Augusta at the Capital Judicial Center next week. Those meetings will be open to the public. We will then receive further written input from all interested parties and we hope to have a full set of

draft rules available to complement the bill when it is presented.

One of the thorniest knots that you may have to solve - you want to make a note here - is found in criminal law and in aspects of the Criminal History Records Information Act. I know that's almost as exciting as talking about technology, but let me just tell you what it is you may have to grapple with here. Here's the question; what should happen to records when a person has been acquitted or the charges have been fully dismissed? Should those files remain publicly available on the internet? Should part of the files be closed? Should all of the files be closed? You may find that this issue tangles up with questions that will be presented to you this session regarding closure, sometimes referred to as expungement of conviction records following a long-term successful rehabilitation of a convicted person. Should those records still be on the internet? I understand that the Criminal Law Advisory Committee, assisted by Jane Orbeton, is looking at these and several related issues and we anticipate that you will be seeing them this spring. We look forward to your solutions. No pressure.

I move now to the third topic of transition, far removed from technology but certainly not removed from science; the changing governmental response to addiction and mental health challenges in criminal and juvenile justice. And rather than begin with the usual grim statistics, I start here with some updates on several positive developments in cross-governmental efforts.

First, with thanks to the Maine Sheriffs' Association and its current president, Sheriff Kevin Joyce, a large group of stakeholders including judges, sheriffs, county government, attorneys, and involved providers convened in November to address the concerns about the pre-conviction populations in Maine's county jails. A shared commitment to data gathering and problem solving is already yielding results.

Second, we have reestablished the Task Force on Pretrial Justice Reform to address continuing innovations in bail proceedings, and I'm grateful that several of you have agreed to serve on that task force.

And, next, because addiction and drug trafficking do not respect state boundaries, the New England Chief Justices are collaborating on a regional initiative that will help us all receive data on what works, what's not working, and what we can do to step up the New England efforts to eliminate the scourge of drug trafficking and drug addiction from our states.

So, moving now briefly to the grim statistics, I think it's important that we keep these in mind. In 2018, approximately 350 drug-induced deaths took mothers, fathers, sons, and daughters away from their families. Although that is still nearly one person a day dying from these poisons, it does represent a 16% decrease from 2017. Still, more than twice as many people died from drug overdoses as died in car accidents. Thirty-one of the 350 deaths were understood to be suicides. The remainder were classified as accidental overdose deaths. In 2018, 1143 doses of Narcan were administered by EMTs in Maine. And the saddest statistic of all, 904 drug-affected babies were born in Maine in 2018.

This epidemic of addiction and mental health crises requires our urgent response and those responses are needed from the very first days of life, for the babies born to parents who can't provide a safe environment or the stimulation children need in their first three years. Unless the problems are identified quickly, those tiny brains may be forever changed by the presence of violence or by days, weeks, or even months of

inattention. All of your work on early life experiences will change lives and I thank you in advance for those efforts.

Turning to the adults caught up in addiction or grappling with mental health problems, and those problems are not mutually exclusive, we need to expand the options for diverting more people from a lifetime of incarceration on the installment plan. I know that many of you are hard at work on these challenges and Governor Mills has certainly made her support for tackling the challenges quite clear. So, to be clear about the ability of the Judicial Branch to respond to the crisis through focused intervention courts, as long as the two current Judicial vacancies are filled, and I know the Chief Executive is working on those nominations, the Judicial Branch does not need funding or legislation to expand Family Recovery Courts, the Mental Health and Drug Courts, or Veterans Courts. Now, because it's fairly rare for me to say to you we don't need money, I'm going to say it again. With regard to the specialty courts, the Drug Courts, the Veteran Courts, we do not need anything except a comprehensive community plan.

So, let me talk to you about that. You've heard this list of needed services before: Immediate access to mental health, addiction recovery, medical and dental care. We need safe and sober housing. We need data collection and analysis, and on this point I think I may be repeating myself but it's important so I'm going to do it anyhow, plus you have to sit still and -- so, let me just remind us all; we should not use taxpayers' dollars, in many of these programs millions of taxpayers' dollars, without the ability to determine whether what we're doing is working.

So, data collection and analysis is critical to anything that we're doing. We also need case managers, coaches and mentors, we need testing equipment and we need laboratories that are not backlogged. We need job training, education opportunities -- in short, what's needed to expand those dockets is a comprehensive community plan. The bottom line is this; the Judicial Branch has a protocol in place that allows the creation of new addiction and mental health dockets as soon as the key components are in place in your communities and you need not focus funding on the Judicial Branch. We are ready when you are.

Finally, I focus briefly on a topic that's near and dear to my heart; juvenile justice, and I will get straight to it. Our children and youth in crisis need more mental health services and recovery facilities designed for youth. They need safe housing and youth-focused facilities where they can receive treatment and be protected from predators. They need resources to extract them from human trafficking and keep them from harm. They need well-trained advocates to help them navigate our complex social services systems and our legal systems. And they need a broader range of mental health services and addiction recovery services designed to address the many challenges of growing up in a world in transition. In this world, cyberbullies can hurt you from afar. Being different can mean devastating isolation and it can portend violence just around the corner, and the escape to drugs can look very attractive.

Here's another tragic statistic. From data gathered over a three-year span from 2014 to '16, we have learned that 88 of Maine's young people from ages ten to 24 committed suicide in that three-year period. Suicide is the leading cause of death among Mainers between 15 -- I'm sorry, it's the second leading cause of death between Mainers between the ages of 15 and 24. So much is needed to help our youth find their way to healthy adulthood. Maine trial judges will tell you that the single greatest gap in services they see in Maine's juvenile justice courts right now is the absence of options for placement for

young people who cannot go home. The need for a continuum of care and effective placement options for these youth has never been greater. We all understand that if the only option for placement in Maine is Long Creek, which is designed for very specific circumstances, we are not doing justice for our children.

Please make a note that my colleagues, who understand I only have control at the beginning of this speech, never moved. Just make that note.

So, let's be clear about this. This isn't a criticism of Long Creek, but Long Creek is not designed to address every child in the juvenile justice system. Just as there are huge benefits from providing services to new parents and their infants and babies, the benefits of providing improved resources for our youth who are struggling right now cannot be overstated. The ripple effect could be an extraordinary force multiplier. These children are the future. Let's help them find healthy and engaged lives. So -- thank you.

In conclusion, and it is the last page -- in conclusion, I have the usual additional requests. First, come visit a courthouse near you. Julie Finn will be happy to arrange for you to see any of the public proceedings that interest you. Second, consider connecting your local high school to have the Supreme Judicial Court bring appellate arguments to the school in the fall of 2020. This year, with the help of Representative Mastraccio, we will be at the brand-new Sanford High School this spring. In the fall, at the request of Senator Carpenter, we'll be at Houlton High School, then in Old Town as arranged by Senator Dill, and then in Gorham with the connections made by Senator Linda Sanborn.

Finally, I take this point of privilege once again to urge women over 40 to get their 3-D mammograms. I am healthy and I am here because I had a 3-D mammogram. It caught the cancer early. Get it done. It's not fun, but get it done. Thank you. Thank you, thank you.

The purpose for which this Convention was assembled having been accomplished, the Chair declared the same dissolved.

(After the Joint Convention)

The House was called to order by the Speaker.

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass** on Bill "An Act To Eliminate Gross Metering" (EMERGENCY) (H.P. 77) (L.D. 91)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay

RYKERSON of Kittery

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

Signed:

Representatives:

FOSTER of Dexter
GRIGNON of Athens
HANLEY of Pittston

READ.

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

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, the bill before us is an opportunity to move forward an important part of our economy, to save money for ratepayers, and to do right by our environment, and to do so my eliminating gross metering.

Gross metering, while it may have been well-intended, has proven ineffective and costly for the ratepayers of Maine. Gross metering is a rule created by the Maine Public Utilities Commission a few years ago and which took effect roughly one year ago, last spring. Gross metering requires the installation of an additional meter, a second meter in Emera territory, a third meter in CMP territory, which is paid for by all customers, all ratepayers of the utility. And through that additional meter, Madam Speaker, the effect of gross metering is to assess a fee on generation and use even when it takes place behind the meter, never touching the grid. This is unheard of, Madam Speaker. There is nowhere else in the world where such a policy has been tried, never mind has succeeded. And the policy in effect is somewhat like growing your own tomatoes in your background and having the grocery store, the local Hannaford or Shaws, charging you for that tomato because you did not purchase it from them.

Now, there are great debates swirling about the value of rooftop solar and other distributed renewables, but even if we set aside our position on whether solar helps your neighbor or costs your neighbor money, gross metering makes no sense. Gross metering to date because of the additional meters has cost all ratepayers an additional \$2.5 million and by the projection of the utilities themselves, Madam Speaker, it will someday, ten or so years from now, potentially save \$3 million, so it may be a wash ten years from now, but only if it makes sense to go forward and only if we add additional costs for additional meters during the interim. So, maybe worse than a wash, maybe it costs money. And so it's not surprising, Madam Speaker, that the Public Utilities Commission, seeing these unanticipated costs to all ratepayers, chose to eliminate gross metering themselves, their own rule, to eliminate it for large businesses and for medium-sized businesses.

Madam Speaker, the elimination of gross metering is proposed not only in the bill before us but also in other bills that appear before the Energy, Utilities, and Technology Committee and the bipartisan majority on the bill before us in the Majority Ought to Pass Report has voted for something that's consistent with all of those bills. And I think, for example, of one put forward by the Representative from Berwick, which I very much appreciated, and I want to say that whatever we do on this particular bill, we also will have the opportunity to work on additional measures that may allow the replacement for net metering, which this bill restores, in the future.

So, let's do what we agreed on. Let's do what has been proposed in multiple bills, which is to eliminate gross metering. Let's do what will help move forward the solar energy economy, put our neighbors to work this summer installing solar -- rooftop solar. Let's do what will save all ratepayers money by avoiding these unanticipated costs. Let's eliminate gross metering for all ratepayers, not just large and medium businesses as has been done so far.

Madam Speaker, this bill is an emergency measure because it needs to take place immediately in order to stop spending money unnecessarily and I hope that we can go forward together at this time. 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** 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 Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion not because I'm opposed to solar, I'm agnostic about it, actually, but the problem with this bill is that -- I guess let me start with the positive side of this bill, is it eliminates gross metering and I'm all for that. But it didn't go far enough and as the good Representative from Bowdoinham mentioned, there is another option ahead of us in another piece of legislation that will come and I hope that we will seriously entertain that option.

And it's not what is in this bill that is the problem, it's what's left out of it, and what is left out of it is the standing policy of above-market rates that non-solar people, ratepayers, have to pay to support the solar policies that are in place. In other words, when you produce solar power on your roof, you get paid at an above-market rate, it's extremely high compared to how it can be purchased on the open market and that cost gets passed on to all the other ratepayers and I don't think we should overlook this.

And the cost of solar will be about \$3 million -- in fact, that's the cost now, and that could rise as more systems come on. And because the overall question about these issues is that solar is not a bad thing, it's just the policies we enact put burdens on people that never will have a solar panel. The other item that got left out of this bill was the Public Utilities Commission warned us that the large solar arrays you see that are on the grid, they don't use solar power, they simply produce it. So they don't pay any fees related to transmission. And the PUC warned us that that will again drive up the cost to all non-solar ratepayers. And, of course, I always go back to my statements earlier, you know, this is like Groundhog's Day sometimes, with these solar bills, but I represent eight trailer parks in my district. When I drive through them, none of them have solar panels because they can't afford them. Whenever I drive by a solar array anywhere, I'm looking at people that are wealthy or well off. This solar policy encourages and promotes this process with people that have disposable income. And I hate to bring it around to the process of rich versus poor, but it's the .1% versus the 99.9% and it has to do with the amount of money you're going to pay in the long-term for your electric rates. And it's a policy that I hope in the legislation that will be coming before us later that we will seriously look at because that legislation does what this one does, it gets rid of gross metering, but it fixes all of the other components. So, I ask you to follow my light and defeat this measure and wait for the

correct and compromising measure that comes ahead of 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 Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 3

YEA - Ackley, Alley, AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Denno, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, FecteauR, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kinney, Kornfield, Landry, MadiganC, Marean, MartinJ, Mastraccio, Matlack, Maxmin, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry, PierceT, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Arata, AustinS, Bickford, Bradstreet, Campbell, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, FecteauJ, Foster, Griffin, Grignon, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kryzak, Lockman, Lyford, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, WhiteD.

ABSENT - Andrews, Blier, Haggan, Ingwersen, MartinR, MartinT, McCrea.

Yes, 93; No, 48; Absent, 7; Excused, 1.

93 having voted in the affirmative and 48 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, February 28, 2019.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding the Acceptance of Maine Clean Election Act Campaign Contributions on State Websites"

(H.P. 12) (L.D. 11)

Signed:

Senators:

LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
COOPER of Yarmouth
DOLLOFF of Rumford
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Representatives:

ANDREWS of Paris
HANINGTON of Lincoln

STROM of Pittsfield

READ.

Representative SCHNECK of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

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

ROLL CALL NO. 4

YEA - Ackley, Alley, AustinB, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Denno, Dodge, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Fay, FecteauR, Foley, Gattine, Gramlich, Grohoski, Hall, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kinney, Kornfield, Landry, MadiganC, Marean, MartinJ, Mason, Mastraccio, Matlack, Maxmin, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Neil, Pebworth, Peoples, Perry, Pickett, PierceT, Pluecker, Prescott, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, WhiteB, Zeigler, Madam Speaker.

NAY - Arata, AustinS, Bradstreet, Campbell, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Faulkingham, FecteauJ, Foster, Griffin, Grignon, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kryzak, Lockman, Lyford, Millett, O'Connor, Ordway, Perkins, Reed, Rudnicki, Sampson, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, WhiteD.

ABSENT - Andrews, Blier, Haggan, Ingwersen, MartinR, MartinT, McCrea, Riley.

Yes, 100; No, 40; Absent, 8; Excused, 1.

100 having voted in the affirmative and 40 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED**.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Stewart, and inquires as to why he rises.

Representative **STEWART**: I was wondering if -- thank you, Madam Speaker. I was wondering if we could get a tally on the roll call. The board seemed to be in error there. Thank you.

The SPEAKER: Yeah, so, to clarify, the Representative from Presque Isle's question was the tally of the roll call and since it disappeared from the screen a little quickly, it was 100 in favor of the motion, which was ought not to pass, and 40 opposed. The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Sorry, Madam Speaker, we only -- thank you, Madam Speaker. On the roll call that we have, we have 71 votes -- sorry, we have -- is that accurate? So we only have 50 votes recorded on this roll call.

The SPEAKER: The House will be in order. So, just so everybody knows and is not wondering what's going on, so we were just -- we have a new system in place, which is great because the old system was constantly causing us problems. But, as sometimes happens, the new system is presenting a

couple of challenges and we're working out the kinks. So, for example, Representative Stewart was just noting on the roll call sheet that a zero is missing but it's -- all the votes were recorded and you can see them recorded on the sheet, it's just that the tally of the vote is missing one zero. So, we're working on all those things but all of the votes have been recorded and recorded correctly if you go back and look through the roll call, so I want to assure people of that and we are working on everything else. But if you notice something that doesn't seem to be right and you're not sure that we notice, do please bring it to our attention. If it is something that needs to be mentioned right away on the floor, that is one option, but if it's something that you just want to make sure that we know is happening, please just find either the clerk or me after the session is over, or the leaders on either side. And thank you for your patience.

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

ORDERS

On motion of Representative SYLVESTER of Portland, the following Joint Resolution: (H.P. 754)

JOINT RESOLUTION HONORING THE MAINE STATE HOUSING AUTHORITY ON ITS 50TH ANNIVERSARY

WHEREAS, the Maine State Housing Authority, also known as MaineHousing, was established as a quasi-public housing agency charged with expanding affordable housing opportunities for the State's low-income and moderate-income families and individuals; and

WHEREAS, MaineHousing has been helping Maine people own, rent, repair and heat their homes since 1969; and

WHEREAS, MaineHousing has financed 54,851 first-time homebuyer mortgages and 323 affordable apartment projects with a total of 10,697 units; and

WHEREAS, MaineHousing has helped 23,038 low-income families and seniors afford their rents, weatherized 15,292 homes, served an average of over 42,000 households a year with fuel assistance benefits, helped shelter the homeless and provided needed repairs to many thousands of homes, addressing problems of radon, arsenic, accessibility, lead paint and general disrepair; and

WHEREAS, through prudent investment, MaineHousing has grown to become a \$1.8 billion public purpose financial institution with its bonds rated AA+, thanks to the support of a wide network of partners including Maine's financial institutions, real estate agents, community action agencies, local homeless shelters, developers, apartment owners and managers, landlords and federal and state political leaders; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to commemorate the 50th anniversary of the Maine State Housing Authority and its record of success in service to the people of Maine; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine State Housing Authority.

READ.

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

Representative **SYLVESTER**: Thank you, Madam Speaker. The Maine State Housing Authority, also known as Maine Housing, is a jewel of the state. We as the Maine State House of Representatives greatly appreciate all the work that

they do to house Mainers in housing that is safe and affordable, to help make safe and affordable that housing stock which needs improvement, and to build and plan for the housing stock that our great state will need in future years.

It is my dream, and I believe the dream that I speak for all members of the Joint Committee on Labor and Housing for the Maine State Housing Authority, Dan Brennan, and Assistant Director, Peter Merrill, who are here with us today, and all employees of the Maine State Housing Authority that 50 years from now that those who sit in these chairs, and I can pretty much guarantee that except for a few of our younger members and Representative John Martin, that it will not be those sitting in the chairs now, that the work of Maine Housing Authority will report to that session that every Mainer has a safe and affordable place to live and that the task of housing our great citizens is complete.

Tomorrow in the Maine Hall of Flags, there will be a celebration of the Maine State Housing Authority and I thank them for their work and I thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Peoples.

Representative PEOPLES: Thank you, Madam Speaker. I actually was not -- I just was making noises that it's a good thing. I'm part of the Westbrook Housing Authority and I cannot speak highly enough of the Maine Housing Authority and the amount of support and backup they give to us. We are very fortunate in that we have done a great deal to help create safe and affordable housing, especially for some of our older people. And as an actual resident of one of the Housing Authority's properties, I can say it's pretty sweet living, too.

So, by all means, if you have time tomorrow, come by, because they deserve all the help we can give them because we're all getting older, we hope.

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

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

SENATE PAPERS

Resolve, To Extend the Down East Sunrise Trail from Ayers Junction to Calais

(S.P. 282) (L.D. 992)

Resolve, To Require the Construction of a New District Headquarters Building for the Bureau of Forestry in Fort Kent

(S.P. 295) (L.D. 1016)

Came from the Senate, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Attract and Retain Firefighters"

(S.P. 293) (L.D. 1014)

Came from the Senate, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

Bill "An Act To Provide Autonomy for Health Care Providers To Practice Patient-centered Care by Amending the Laws Governing Medical Exemptions to Immunization Requirements"

(S.P. 277) (L.D. 987)

Bill "An Act To Promote Social and Emotional Learning and Development for Young Children"

(S.P. 287) (L.D. 997)

Came from the Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Reduce the Landfilling of Municipal Solid Waste"

(S.P. 278) (L.D. 988)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

Bill "An Act To Expand Recovery Support Services Offered in Penobscot and Piscataquis Counties and the Greater Bangor Region To Improve Access, Treatment and Recovery for Those Affected by Substance Use Disorder by Designating a Regional Peer-supported Recovery Center"

(S.P. 283) (L.D. 993)

Bill "An Act To Provide Stable Funding and Support for Child Care Providers"

(S.P. 291) (L.D. 1012)

Came from the Senate, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Bill "An Act To Establish a Special Handgun Hunting Season That Coincides with the Muzzle-loading Open Season on Deer"

(S.P. 286) (L.D. 996)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

(S.P. 285) (L.D. 995)

Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** suggested and ordered printed.

Came from the Senate, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

REFERRED to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** in concurrence.

Resolve, To Expunge Criminal and Civil Records Related to Marijuana Activities Legalized by the Voters of Maine
(S.P. 281) (L.D. 991)

Resolve, Requiring the Collection of Data on the Marriage of Minors
(S.P. 288) (L.D. 998)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

REFERRED to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Clarify the Disqualification from Unemployment Benefits of a Person Who Is Terminated from Employment for Being Under the Influence of Marijuana"
(S.P. 292) (L.D. 1013)

Bill "An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace"
(S.P. 296) (L.D. 1017)

Came from the Senate, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

REFERRED to the Committee on **LABOR AND HOUSING** in concurrence.

Bill "An Act To Clarify Filing Requirements for Proposed Rules"
(S.P. 290) (L.D. 1011)

Came from the Senate, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

REFERRED to the Committee on **STATE AND LOCAL GOVERNMENT** in concurrence.

Bill "An Act To Improve Maine's Tax Laws"
(S.P. 279) (L.D. 989)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

Bill "An Act To Improve Transportation in Maine"
(S.P. 280) (L.D. 990)

Came from the Senate, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

REFERRED to the Committee on **TRANSPORTATION** in concurrence.

Bill "An Act To Allow Medical and Adult Use Marijuana Stores To Share a Common Space"
(S.P. 289) (L.D. 999)

Bill "An Act To Support Maine Craft Distillers"
(S.P. 294) (L.D. 1015)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

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

On motion of Representative BLUME of York, the House adjourned at 12:18 p.m., until 10:00 a.m., Thursday, February 28, 2019, in honor and lasting tribute to the Honorable Susan Jaques Pines, of Palo Alto, California and Limestone and Lee Holbrook LeRoy, of Portland.