

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

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ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
25th Legislative Day
Tuesday, March 26, 2019

Representative MOONEN of Portland assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Marty Soule, Cha Quang Don True Land of Light, Peaceful Heart Sangha, Readfield.
National Anthem by Larry Gowell, Auburn.
Pledge of Allegiance.
Doctor of the day, Gladys Estrada, M.D., Falmouth.
The Journal of Thursday, March 21, 2019 was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 126)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 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 Committee on Education and Cultural Affairs has approved the request by the sponsor, Representative Morales of South Portland, to report the following "Leave to Withdraw:"

L.D. 1035 Resolve, To Streamline the Process by Which Schools Receive Fresh Fruit and Vegetables

Sincerely,
S/Robert B. Hunt
Clerk of the House

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

The Following Communication: (H.C. 127)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 25, 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 Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Education and Cultural Affairs
L.D. 484 Resolve, To Establish a Maine State High School Diploma

L.D. 587 An Act To Require Career Options Education for High School Students

Health Coverage, Insurance and Financial Services
L.D. 942 An Act To Require Reimbursement for Medical Marijuana

- Inland Fisheries and Wildlife
- L.D. 442 An Act To Set Speed Limits for All-terrain Vehicles on Trails within 50 Yards of a Stream or Pond To Prevent Runoff
- L.D. 617 An Act To Increase to 3 the Number of Youth Deer Hunting Days
- L.D. 728 An Act To Fairly Compensate Registration Stations for Bear, Deer, Moose and Turkey Registrations
- L.D. 879 An Act To Decrease the Risk of the Spread of Invasive Aquatic Plants
- L.D. 924 An Act To Remove the Background Check Requirement for Maine Guides Who Are at Least 70 Years of Age and Hold a Lifetime Hunting or Fishing License
- L.D. 927 An Act To Minimize the Propagation of Invasive Aquatic Plants (EMERGENCY)
- L.D. 967 An Act To Reduce the Spread of Invasive Aquatic Plants by Prohibiting Seine Fishing in Great Ponds
- L.D. 996 An Act To Establish a Special Handgun Hunting Season That Coincides with the Muzzle-loading Open Season on Deer

- Marine Resources
- L.D. 174 An Act To Promote Youth Participation in the Maine Lobster Fishery
- L.D. 290 An Act To Prohibit Motor Vehicle Use in the Intertidal Zone
- L.D. 629 An Act To Ensure a Seat on the Shellfish Advisory Council Is Held by a Person with a Background and Credentials in a Field of Marine Science
- L.D. 675 An Act To Provide Equity in the Lobster Promotion License Surcharge

- State and Local Government
- L.D. 749 An Act To Increase the Transparency of the "Maine Open Checkbook" Website
- L.D. 867 An Act To Require Public Health Impact Statements for Certain Legislation
- L.D. 948 An Act To Restrict Ordinances That Affect the Posting of Property for Municipal and Private Land

Sincerely,
S/Robert B. Hunt
Clerk of House
READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 209)

**MAINE SENATE
129TH LEGISLATURE
OFFICE OF THE SECRETARY**

March 21, 2019
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 129th Maine Legislature, please be advised that the Senate today confirmed the following nomination:
Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, Gwendolyn Hilton of Starks for appointment to the Maine Land Use Planning Commission.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and ORDERED PLACED ON FILE.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Ensure That Statements Made by a Juvenile or a Juvenile's Parents, Guardian or Legal Custodian While Participating in Informal Adjustment Processes Are Not Admissible in Court"

(H.P. 1011) (L.D. 1397)

Sponsored by Representative MORALES of South Portland.
Cosponsored by Representatives: BABINE of Scarborough, BAILEY of Saco, CARDONE of Bangor, HARNETT of Gardiner, TALBOT ROSS of Portland, WARREN of Hallowell, Senator: CARPENTER of Aroostook.

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 Direct the Department of Education To Amend Its Rules To Ensure That Physical Restraint and Seclusion Policies Are Followed for Special Education Students and Make Biennial Reports on the Use of Physical Restraint and Seclusion"

(H.P. 997) (L.D. 1376)

Sponsored by Representative FARNSWORTH of Portland.
Cosponsored by Representatives: CRAVEN of Lewiston, CROCKETT of Portland, HANDY of Lewiston, MADIGAN of Waterville, McCREIGHT of Harpswell, PERRY of Calais, WARREN of Hallowell.

Bill "An Act To Establish Computer Science Courses and Content in Kindergarten to Grade 12 Schools"

(H.P. 1003) (L.D. 1382)

Sponsored by Representative PIERCE of Falmouth.
Cosponsored by Senator POULIOT of Kennebec and Representatives: FARNSWORTH of Portland, HUBBELL of Bar Harbor, JORGENSEN of Portland, LYFORD of Eddington, STEARNS of Guilford, STEWART of Presque Isle.

Bill "An Act To Update the Laws Governing the Regional Library Systems"

(H.P. 1010) (L.D. 1396)

Sponsored by Representative NADEAU of Winslow.
Cosponsored by Senator BELLOWS of Kennebec and Representatives: BRYANT of Windham, CAMPBELL of Orrington, COLLINGS of Portland, FARNSWORTH of Portland, FAY of Raymond, INGWERSEN of Arundel, KESCHL of Belgrade, Senator: CARPENTER of Aroostook.

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 Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities"

(H.P. 1004) (L.D. 1383)

Sponsored by Representative GRIGNON of Athens.

Bill "An Act To Allow the Efficiency Maine Trust To Provide Support for New Home Construction"

(H.P. 1013) (L.D. 1398)

Sponsored by Representative INGWERSEN of Arundel.
Cosponsored by Representatives: ALLEY of Beals, DOUDERA of Camden, MAXMIN of Nobleboro, MEYER of Eliot.

Bill "An Act To Study Transmission Solutions To Enable Renewable Energy Investment in the State"

(H.P. 1016) (L.D. 1401)

Sponsored by Representative BERRY of Bowdoinham.
Cosponsored by Representative: CAIAZZO of Scarborough.

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.

Bill "An Act To Enhance and Improve the Maine Developmental Services Oversight and Advisory Board and To Establish an Independent Oversight Panel To Review Deaths of and Serious Injuries to Persons with Intellectual Disabilities or Autism"

(H.P. 998) (L.D. 1377)

Sponsored by Representative MADIGAN of Waterville.

Bill "An Act To Ensure the Provision of Medical Assessments for Youth in Foster Care"

(H.P. 999) (L.D. 1378)

Sponsored by Representative MADIGAN of Waterville.

Bill "An Act To Improve Oral Health and Access to Dental Care for Maine Children"

(H.P. 1014) (L.D. 1399)

Sponsored by Representative GRAMLICH of Old Orchard Beach.

Cosponsored by Senator MOORE of Washington and Representatives: BRENNAN of Portland, HANINGTON of Lincoln, HEPLER of Woolwich, MASTRACCIO of Sanford, PERRY of Calais, Senators: DAVIS of Piscataquis, DILL of Penobscot, SANBORN, L. of Cumberland.

Bill "An Act To Amend the General Assistance Laws Governing Eligibility and Reimbursement"

(H.P. 1018) (L.D. 1403)

Sponsored by Representative BRENNAN of Portland.

Cosponsored by Senator CHIPMAN of Cumberland and Representatives: CRAVEN of Lewiston, FARNSWORTH of Portland, GRAMLICH of Old Orchard Beach, MADIGAN of Waterville, MELARAGNO of Auburn, MOONEN of Portland, PERRY of Calais, TALBOT ROSS of Portland.

Resolve, To Require the Department of Health and Human Services To Request a Waiver Relating to Support Services and To Provide Funds To Prevent Homelessness

(H.P. 1019) (L.D. 1404)

Sponsored by Representative BRENNAN of Portland.

Cosponsored by Senator CHIPMAN of Cumberland and Representatives: CRAVEN of Lewiston, FARNSWORTH of Portland, GRAMLICH of Old Orchard Beach, JORGENSEN of Portland, MADIGAN of Waterville, MOONEN of Portland, PERRY of Calais, TALBOT ROSS of Portland.

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 Allow State-chartered Credit Unions To Service Medical and Adult Use Marijuana Business Accounts" (EMERGENCY)

(H.P. 1017) (L.D. 1402)

Sponsored by Representative BERRY of Bowdoinham.

Bill "An Act To Require Certification of Radiologic Technologists Who Are Licensed Chiropractic Assistants"

(H.P. 1021) (L.D. 1406)

Sponsored by Representative WADSWORTH of Hiram.

Cosponsored by Senator HAMPER of Oxford.

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 Transfer the Violations Bureau from the Courts to the Office of the Secretary of State"

(H.P. 1001) (L.D. 1380)

Sponsored by Representative MARTIN of Eagle Lake.

Bill "An Act To Create a Post-judgment Mechanism To Provide Relief to Victims of Sexual Exploitation and Sex Trafficking"

(H.P. 1002) (L.D. 1381)

Sponsored by Representative RECKITT of South Portland. (BY REQUEST)

Bill "An Act To Establish a Formal Tribal Consultation Process with the State"

(H.P. 1006) (L.D. 1392)

Sponsored by Representative NEWELL of the Passamaquoddy Tribe.

Cosponsored by Senator MIRAMANT of Knox and Representatives: ACKLEY of Monmouth, COLLINGS of Portland, EVANGELOS of Friendship, MARTIN of Sinclair, MOONEN of Portland, PLUECKER of Warren, RISEMAN of Harrison, Senator: CARPENTER of Aroostook.

Bill "An Act To Amend the Laws Governing Foreclosure To Ensure Timely Completion"

(H.P. 1020) (L.D. 1405)

Sponsored by Representative CARNEY of Cape Elizabeth.

Cosponsored by Representative: CARDONE of Bangor.

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

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

Sent for concurrence.

Bill "An Act To Create Fairness for Dispatchers in the Maine Public Employees Retirement System"

(H.P. 1009) (L.D. 1395)

Sponsored by Representative SYLVESTER of Portland.

Cosponsored by Senator BELLOWES of Kennebec and Representatives: CARDONE of Bangor, INGWERSEN of Arundel, MADIGAN of Waterville, McCREA of Fort Fairfield, MELARAGNO of Auburn, MEYER of Eliot, RYKERSON of Kittery, SHEATS of Auburn.

Bill "An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit and To Improve Retirement Benefits for Veterans of the Cold War"

(H.P. 1015) (L.D. 1400)

Sponsored by Representative HARRINGTON of Sanford.

Cosponsored by Representatives: AUSTIN of Gray, PERKINS of Oakland.

Bill "An Act To Create Paid Family and Medical Leave Benefits"

(H.P. 1023) (L.D. 1410)

Sponsored by Speaker GIDEON of Freeport.

Cosponsored by Senator SANBORN, H. of Cumberland and Representatives: CARNEY of Cape Elizabeth, CUDDY of Winterport, DOORE of Augusta, FECTEAU of Biddeford, McDONALD of Stonington, MORALES of South Portland, SYLVESTER of Portland, Senator: CARSON of Cumberland.

Bill "An Act Regarding the Federal Workforce Innovation and Opportunity Act"

(H.P. 1024) (L.D. 1411)

Sponsored by Representative FECTEAU of Biddeford.

Bill "An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers"

(H.P. 1025) (L.D. 1412)

Sponsored by Representative HANDY of Lewiston.

Cosponsored by Senator LAWRENCE of York and Representatives: BROOKS of Lewiston, CLOUTIER of Lewiston, CRAVEN of Lewiston, SYLVESTER of Portland.

Bill "An Act To Reduce Administrative Burdens of Forest Products Harvesters"

(H.P. 1026) (L.D. 1413)

Sponsored by Representative ARATA of New Gloucester.

Cosponsored by Representatives: BRADSTREET of Vassalboro, MILLETT of Waterford, O'NEIL of Saco.

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 Increase the Annual Salary of the Governor and To Increase the Expense Allowance Paid to Legislators"

(H.P. 1000) (L.D. 1379)

Sponsored by Representative MARTIN of Eagle Lake.

Bill "An Act To Ensure Consistency of Language in Municipal Documents with the Language in Comprehensive Plans"

(H.P. 1005) (L.D. 1391)

Sponsored by Representative WADSWORTH of Hiram.

Bill "An Act To Change the Requirements for Recording Plans at the County Registries of Deeds"

(H.P. 1007) (L.D. 1393)

Sponsored by Representative HIGGINS of Dover-Foxcroft.

Cosponsored by Senator DAVIS of Piscataquis.

Resolve, To Direct the Department of Administrative and Financial Services To Conduct a Surplus Property Inventory

(H.P. 1008) (L.D. 1394)

Sponsored by Representative MORALES of South Portland.

Bill "An Act To Improve the Laws Regarding Discontinued and Abandoned Roads"

(H.P. 1028) (L.D. 1415)

Sponsored by Representative NADEAU of Winslow.

Cosponsored by Senator DIAMOND of Cumberland and Representatives: COREY of Windham, MARTIN of Eagle Lake, Senator: President JACKSON of Aroostook.

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.

**Pursuant to Statute
Criminal Law Advisory Commission**

Representative WARREN for the **Criminal Law Advisory Commission** pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asks leave to report that the accompanying Bill "An Act To Revise and Recodify Certain Provisions of the Maine Criminal Code" (EMERGENCY)

(H.P. 1022) (L.D. 1407)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

ORDERS

On motion of Representative VEROW of Brewer, the following Joint Resolution: (H.P. 1012) (Cosponsored by Senator FOLEY of York and Representatives: RECKITT of South Portland, STEWART of Presque Isle, Senator: GRATWICK of Penobscot)

**JOINT RESOLUTION RECOGNIZING MARCH 27, 2019 AS
MULTIPLE SCLEROSIS AWARENESS DAY**

WHEREAS, multiple sclerosis is a neurological disease of the central nervous system affecting 2,300,000 people worldwide; and

WHEREAS, the National Multiple Sclerosis Society estimates that nearly 1,000,000 people in the United States, more than twice previous estimates, are living with multiple sclerosis, finds that the highest prevalence rates in the United States are found in the New England region and reports that the disease generally strikes people between the ages of 20 and 50 and that the cause and course of the often debilitating symptoms of multiple sclerosis remain unknown with no cure currently existing; and

WHEREAS, the National Multiple Sclerosis Society has been committed for more than 73 years to a world free of multiple sclerosis, and the society raises public knowledge about and insight into the disease; and

WHEREAS, since 1946 the National Multiple Sclerosis Society has been a driving force in multiple sclerosis research, pursuing prevention, treatments and a cure, and has invested more than \$1 billion in groundbreaking research; and

WHEREAS, funds raised through the National Multiple Sclerosis Society include \$34 million in funding for 320 research projects at medical centers, universities and other institutions throughout the United States and abroad, leading to many breakthroughs in the treatment of multiple sclerosis; and

WHEREAS, stopping the progress of multiple sclerosis, restoring what has been lost and ending multiple sclerosis forever is the mission of the National Multiple Sclerosis Society and one that all should support; 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 March 27, 2019 as Multiple Sclerosis Awareness Day and encourage all Maine citizens to learn more about multiple sclerosis and what they can do to support individuals with multiple sclerosis and their families; and be it further

RESOLVED: That we recognize the importance of finding the cause and cure of multiple sclerosis and express our appreciation for the dedication that the Greater New England Chapter of the National Multiple Sclerosis Society has shown toward creating a world free of multiple sclerosis; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Greater New England Chapter of the National Multiple Sclerosis Society.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, first thank you to the co-sponsors of this Joint Resolution.

This is a very personal resolution for me. Thirty years ago, my older daughter was stricken with MS. On her wedding day, she looked at me as I was about to walk her down the aisle. I can't walk, she said. She had to lean on me and we moved slowly to get to the altar. After the wedding, she went to a doctor and received the news she had MS. My first cousin had MS for several years before and she had a major disability, so the news of our daughter's contracting this was devastating. But our daughter was always one who could look at the bright side of things.

Now, at the time, there was only one drug for treatment of MS and this was available through a lottery pick. She applied and was selected. She was a Lieutenant in the US Navy and a nurse at the time. Upon receiving medical discharge, she continued to work in healthcare, although at times that was physically challenging, but she was a fighter. She wanted very passionately to become a mother. Her doctor cautioned against that because of the MS. That did not deter her. Coming from her pro-life family, she felt that becoming a mother was worth any risk that MS might pose. Today, Fran and I are blessed with a beautiful granddaughter who will graduate high school in June and move on to college. We are grateful to this gift that our daughter gave us to enrich our lives. Those many years ago, if the MS drugs of today were available, our daughter would have more years of life.

This is just one story, one account. You will hear more if you come to the Hall of Flags tomorrow for MS Day at the State House. I hope that you will do that and talk with people in the orange shirts, the MS activists. They are engaged and passionate in their mission to create a world free of MS. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Reckitt.

Representative **RECKITT**: Mr. Speaker, Fellow Members of the House, many of you know, I think, that I have multiple sclerosis myself, some of you do not. But it's a partial explanation why I'm on a cane periodically from balance issues from that disease.

I was diagnosed in 1992, 26 years ago, and here I stand, still barreling on, because I was one of the lucky ones with MS

because I was able to continue my life to the best of my ability to do so and it has brought me here today.

I want to share just one quick thing with you that I discovered when I traveled to Northern Scotland. I was there and there was a newspaper that had some new research, talking about how the Orkney Islands in Northern Scotland and Northern Ireland were the most common places in the world for MS diagnoses, which may well explain why the numbers are very high in New England. We have, indeed, a lot of Irish here, and I presume a lot of Scottish. I'm half each.

I think that this is a disease that is, as many don't know, manifests itself in wildly different ways depending upon your personal diagnosis. I've been lucky. I've been 26 years. I've never been on the MS drugs. I have barreled on and kept right on going and I was lucky I was able to do so. Others may not be so. So whenever you talk to someone who has MS, understand that they may be very different from another person you know with MS. No two of us are ever the same, that I can see. But I think that it's very important that we recognize that for some the research and all the improvements in drugs and so forth have helped many, and will continue to do so, and I hope for them that that continues and I hope for myself that I barrel on to the age of 97 (that's my new goal) and since my ancestors had a tendency to do that, I figure I ought to try to be the oldest matriarch in the family. But since I'm nowhere near that yet, I'm hoping for your good wishes and prayers that I'll continue right on the course.

So, please do go to visit the display in I think the Hall of Flags tomorrow and have some, I guess, empathy for those in your neighbors and your families who suffer with this disease and may not be as lucky as I have been. So, thank you so much for your attention.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Wells, Representative Hobbs.

Representative **HOBBS**: Mr. Speaker, I request unanimous consent to address the House on the record.

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

Representative **HOBBS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise today to recognize the achievement of two admirable residents of Wells; Tyler Bridge and Tim Roche. Both have brought pride to our community through their athletic achievements. They are with us today in the House Chamber.

Earlier this year, Tyler was awarded the Fitzpatrick Prize, which is given annually to the top senior in Maine high school football. This is a well-deserved award. Tyler gained more than 3,000 all-purpose yards and set an unofficial state single season record with 45 touchdowns.

We are also lucky to be joined today by Tim Roche, who was named Maine State Coach of the Year for 2017 to 2018 by the Federation of State High School Associations and the Maine Principal's Association. Under Coach Roche's guidance, the Wells football team has won three state championships in a row and had a 28-game winning streak.

Thank you to both Tyler and Tim for making the trip to Augusta today and congratulations again on these impressive achievements.

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

REPORTS OF COMMITTEE
Refer to the Committee on Judiciary
Pursuant to Statute

Representative BAILEY for the **Joint Standing Committee on Judiciary** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act"

(H.P. 1027) (L.D. 1414)

Reporting that it be **REFERRED** to the Committee on **JUDICIARY** pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Add Instruction in Personal Finance to the Statewide System of Learning Results"

(S.P. 47) (L.D. 160)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-16)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

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

On motion of Representative KORNFIELD of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-11)** on Bill "An Act To Protect Earned Pay"

(S.P. 28) (L.D. 75)

Signed:
Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-11)**.

READ.

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

Representative STEWART of Presque Isle **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 PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Mr. Speaker. Ladies and Gentlemen of the House, I'm rising today in opposition to the pending motion.

This bill expands the offset from the current four weeks of unemployment compensation which has been in statute for several years and is working well. The current four weeks is a result of a compromise reached after we went back and forth over a number of years. There are a couple of reasons we need to remember. Back in the 1980s, state government was shut down for several weeks due to the laws that led to the unsustainability of the Workers Compensation Insurance Trust Fund. What we have currently is a partial answer to that crisis situation. Changing the current law is not the way we should go. This trust fund is intended to act as a bridge from the horrible experience of employment termination to reemployment. It is funded completely by Maine employers and was never intended to serve as a de facto savings account. We're not really talking about any earned vacation time here, which belongs to the employee. What we're talking about is the Workers Compensation Insurance Trust Fund. It is in a healthy status now and the fiscal cost may not seem like a lot but it's a step in the wrong direction. Please join me in opposing this bill. Thank you.

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

Representative **SYLVESTER**: Thank you, Mr. Speaker. LD 75 does affect the offset but I think that all of us in Maine appreciate the prudence, the valued prudence of Mainers. And what this bill tries to do is to reward the prudence of workers who do not use their vacation time and are penalized when they are laid off or for some other reason have to collect unemployment. Right now under the law, if you save your vacation time, so you do not use it, and you are unemployed, you have to wait up to four weeks in order to start collecting your unemployment insurance, where your colleague who used all of their vacation time and enjoyed that time, does not have to wait, they start collecting right on the first day.

And so what this bill tries to do is to go back to what the rules used to be, which would allow everybody to collect on the first day. For those folks who have saved it for just such a thing as they might be laid off, to be able to enjoy both pieces of that, to be able to collect right away and to enjoy the prudence of their savings, and then it also, we believe, will not affect the rates because when it changed, I think it was a good meaning effort to try to affect the rates of the unemployment fund, but when this bill went to be able to have people offset for four weeks, the rates did not go down. The testimony seemed to say that this would not raise the rates, so what we're really trying to do here is just value Mainers for their prudence. And if you remember the old story about the ant and the grasshopper, the ant saving and the grasshopper eating everything, we want to reward the ant here, who is saving and making prudent decisions so that they don't have to wait in order to collect the unemployment insurance that has been paid in on their behalf. Thank you.

The SPEAKER PRO TEM: 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. 19

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

NAY - Andrews, Arata, AustinS, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, FecteauJ, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Higgins, Hutchins, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Marean, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White

ABSENT - Denno, DeVeau, Doore, Head, Hobbs, Kryzak, McDonald, Roberts-Lovell.

Yes, 86; No, 55; Absent, 8; Excused, 1.

86 having voted in the affirmative and 55 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-11)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-11)** in concurrence.

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

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass** on Bill "An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone"

(H.P. 179) (L.D. 216)

Signed:

Senators:

CARSON of Cumberland
CHENETTE of York
FOLEY of York

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells
SKOLFIELD of Weld
ZEIGLER of Montville

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

Signed:

Representatives:

JOHANSEN of Monticello
LYFORD of Eddington

READ.

Representative TUCKER of Brunswick moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative STEWART of Presque Isle **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 PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you very much, Mr. Speaker, Ladies and Gentlemen of the House. We have before us today a bill, LD 216, that would change the requirements around the closings of real estate transactions in Maine that are in the shoreland zone. And I think that there's an important thing -- there's an important distinction to make here, that when we're talking about what is included in the shoreland zone, what isn't included in the shoreland zone, I myself am a licensed real estate agent, this is another unfunded mandate. And this is not just going to be the case down along the coast but it's also going to be the case up in my neck of the woods in Aroostook County and the various parts in rural Maine. We already have a problem up in northern Maine finding inspectors to be able to close in a timely

manner to begin with, and we're now going to be putting another burden on these folks, including real estate agents, making the closing process that much more difficult. It's not something that's particularly necessary. If folks want to do this, they can do this and, in fact, if folks want to pass a local ordinance to require this because they feel that this is a problem in their neck of the woods, they are more than able to do so. However, mandating this from Augusta for every community across the state is not good public policy. Thank you very much, Mr. Speaker, I appreciate your time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Fay.

Representative **FAY**: Thank you, Mr. Speaker. Simply put, this bill changes one word. We already do these types of inspections in the coastal shoreland zone and it now will require that to happen in both the coastal and the freshwater shoreland zone. This bill protects water quality and the safety of drinking water for much of southern Maine. Clean, clear water is an integral part of our economy and Maine's brand and we should do everything we can to protect it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. May I pose a question through the Chair?

The SPEAKER PRO TEM: The Member may proceed.

Representative **BICKFORD**: Could someone please define shoreland zone? Does it include brooks, streams?

The SPEAKER PRO TEM: The Representative from Auburn has posed a question through the Chair to anyone who cares to answer. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: The term shoreland zone is a word of art. In other words, it's defined in statute. It's 100 feet from the shore. Although municipalities are allowed to extend the shoreland zone if they wish, it would include the shoreline of rivers, lakes, ponds, and larger streams, and it's defined in statute with such precision that I can't remember exactly when a stream becomes big enough to be covered, but it's the larger streams that flow into the rivers. The shoreland zone is something that every town hall should be able to give you a map of where the shoreland zone is in your town and it's only 100 feet from either side. Thank you.

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

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

Representative **STEARNS**: Thank you, Mr. Speaker. If I could pose a question through the Chair to anyone that might answer?

The SPEAKER PRO TEM: The Member may proceed.

Representative **STEARNS**: Thank you. I -- sorry, I had assumed that you were going to give me permission and I -- never done that. Thank you.

When working on this bill, how did the three-year piece come about? It would seem to me a four-year-old septic system would be darn-near new.

The SPEAKER PRO TEM: The Representative from Guilford, Representative Stearns, has posed a question through the Chair to anyone who cares to answer. The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: As indicated by the Representative from Raymond, this bill doesn't change the procedure for septic inspections that now exist in the coastal shoreland zone. All it does is change one word in the statute. Whereas the prior requirement said there has to be an inspection on real estate transactions for all disposal systems in the coastal shoreland area, it strikes the word coastal and leaves the rest of the statute exactly as it was. There are several exceptions to this requirement. They include the three -- if there had already been a septic system installed three years -- within three years of the date of sale, they don't have to comply with this.

The **SPEAKER PRO TEM**: The Member will defer. The Chair would remind the Member to address all comments to the Speaker.

The Chair reminded Representative **TUCKER** of Brunswick to address his comments toward the Speaker.

Representative **TUCKER**: Thank you very much. And also, if the seller has already done a septic inspection, then that inspection can be turned over and it doesn't have to be done by the buyer. So there are a number of exceptions. But they're all exceptions that already exist for the procedures that are used in coastal shoreland zones. It's the same program exactly, it simply extends it to protect the freshwater as well as our coastal waters.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative **DOLLOFF**: Thank you, Mr. Speaker. I have a question. Could I ask a question, please?

The **SPEAKER PRO TEM**: The Member may proceed.

Representative **DOLLOFF**: Thank you. I'm just wondering why a mandate has to be done. Why can't the local municipalities draft their own ordinance? Because I'm sure they want it all clean, too. Thank you.

The **SPEAKER PRO TEM**: The Representative from Rumford, Representative Dolloff, has posed a question through the Chair to anyone who cares to answer. The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Sir, it was my intention to speak on this motion, not to answer her question.

The **SPEAKER PRO TEM**: That's okay. You may proceed.

Representative **JOHANSEN**: Thank you. Today I rise in opposition. I opposed this in committee because I thought if China Lake or Sebago Lake is having a problem with septic systems, they should design one that fits their area and their problems. We're trying to design something that would be statewide and I think it's much better done local, enforced by the local code enforcement officers, so I was in opposition and I'm still in opposition. I expect my friends will follow my light on this.

The **SPEAKER PRO TEM**: 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. 20

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blume, Brennan, Brooks, Bryant, Caiazza, Campbell, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Kornfield,

Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Millett, Moonen, Morales, Nadeau, O'Neil, Ordway, Pebworth, Peoples, Perkins, Perry A, Perry J, Pierce T, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Blier, Bradstreet, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Lockman, Lyford, Martin T, Mason, Morris, O'Connor, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Denno, DeVeau, Doore, Head, Kryzak, McDonald, Roberts-Lovell.

Yes, 97; No, 45; Absent, 7; Excused, 1.

97 having voted in the affirmative and 45 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**.

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** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-37)** on Bill "An Act To Protect Public Health through Subsurface Wastewater Disposal System Inspections"

(H.P. 400) (L.D. 543)

Signed:

Senators:

CARSON of Cumberland
CHENETTE of York
FOLEY of York

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells
SKOLFIELD of Weld
ZEIGLER of Montville

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

Signed:

Representatives:

JOHANSEN of Monticello
LYFORD of Eddington

READ.

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

Representative **STEWART** of Presque Isle **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 PRO TEM: 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. 21

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blume, Brennan, Brooks, Bryant, Caiazzo, Campbell, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Blier, Bradstreet, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Denno, DeVeau, Doore, Head, Kornfield, Kryzak, McDonald, Roberts-Lovell.

Yes, 95; No, 46; Absent, 8; Excused, 1.

95 having voted in the affirmative and 46 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-37)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-37)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-38)** on Bill "An Act To Improve Shoreland Zoning Rules and Enforcement To Support Municipalities"

(H.P. 406) (L.D. 562)

Signed:
Senators:

CARSON of Cumberland
CHENETTE of York
FOLEY of York

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells

SKOLFIELD of Weld
ZEIGLER of Montville

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

Signed:

Representatives:

JOHANSEN of Monticello
LYFORD of Eddington

READ.

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

Representative STEWART of Presque Isle **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 PRO TEM: 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. 22

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Campbell, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Cebra, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Hutchins, Javner, Johansen, Kinney, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Denno, DeVeau, Doore, Head, Kryzak, McDonald, Roberts-Lovell.

Yes, 94; No, 48; Absent, 7; Excused, 1.

94 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 as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-38)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-38)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-34)** on Bill "An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters"

(H.P. 363) (L.D. 506)

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison
DeVEAU of Caribou
HAGGAN of Hampden
RECKITT of South Portland

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-34)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-34)** and sent for concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-35)** on Resolve, To Establish a Background Check Consolidation Commission (EMERGENCY)

(H.P. 436) (L.D. 592)

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
PEBWORTH of Blue Hill
RISEMAN of Harrison
TUELL of East Machias
VEROW of Brewer

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HEAD of Bethel
KINNEY of Knox
REED of Carmel

READ.

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

Representative STEWART of Presque Isle **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 PRO TEM**: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative **REED**: Thank you, Speaker Pro Tem, and Members of the House. I rise in opposition to the pending motion. We already have Maine law enforcement in place that does background checks. I don't think we need another commission which only tends to enlarge the size of government. I understand the idea behind the bill, to make it easier for having all background checks in one place, but I don't think it's necessary.

Thank you, Speaker Pro Tem. Thank you, Members of the House.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Mr. Speaker, fellow Members and Colleagues of the House. Currently there are perhaps dozens of background checks required by a multitude of state departments and agencies for employment. This resolve simply establishes the Background Check Consolidation Commission to study consolidating and centralizing as many of these state background checks required for employment as possible, including but not limited to background checks for teachers, state workers, and persons seeking Maine Guide licenses, for example.

Mr. Speaker, this commission is tasked with finding a solution to the duplicative and unnecessary paperwork and expenses that Mainers face as they seek employment. I do wish to point out that the committee amendment removes the emergency preamble, this commission shall report back their results by December 20th of 2019 and, Mr. Speaker, I do absolutely want to highlight that this bill has - and you can read it in the text of the bill - prohibits the commission from studying the background checks that are used to obtain firearms. I thank you, Mr. Speaker.

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

Representative **HYMANSON**: Thank you, Mr. Speaker. In Health and Human Services, we deal with background checks quite often related to direct care workers and childcare workers and especially last session we had a large discussion about the time it took, who was doing it, who paid for it, what the turnaround time was. And so I would really appreciate having some clarity from a commission who would talk about this and finally come to some understanding about how it is we handle very important federal background checks with fingerprints because, as you might know, background checks

are statewide but the federal guidelines for -- and the process for getting fingerprint background checks is the only way to look at a person's issues that might have arisen in other states. So, it's very important to have good guidance about especially the fingerprint background system that's been a problem. So I would appreciate the guidance of this commission and will be voting for it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Prescott.

Representative **PRESCOTT**: Thank you. I just renewed -- Members, too. I just renewed my background check. It was 15 bucks. First time around, it's about \$55. I paid for everything. And, listen, it goes to the Feds, it comes back in a few weeks, I don't think it took mine more than four, and this is just an unnecessary layer of government. Nothing more to it. Every place you go is going to want to get one of their own directly for their own files. So this is not needed. Thank you.

The SPEAKER PRO TEM: 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. 23

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Riseman, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Hutchins, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Brennan, Denno, DeVeau, Doore, Head, Kryzak, McDonald, Roberts-Lovell.

Yes, 88; No, 53; Absent, 8; Excused, 1.

88 having voted in the affirmative and 53 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-35)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-35)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass** on Bill "An Act To Enhance the Senior Volunteer Benefit Program"

(H.P. 59) (L.D. 62)

Signed:
Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
BICKFORD of Auburn
CLOUTIER of Lewiston
DENK of Kennebunk
KRYZAK of Acton
MAREAN of Hollis
MATLACK of St. George
STANLEY of Medway
TERRY of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-33)** on same Bill.

Signed:
Senator:

POULIOT of Kennebec

READ.

On motion of Representative TIPPING of Orono, the Majority **Ought to Pass Report** was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Require Presidential and Vice-Presidential Candidates To Disclose Their Federal Income Tax Returns"

(H.P. 527) (L.D. 722)

Signed:
Senators:

LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ANDREWS of Paris
DOLLOFF of Rumford
HANINGTON of Lincoln
HUBBELL of Bar Harbor
STROM of Pittsfield

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

Signed:
Representatives:

ACKLEY of Monmouth
COOPER of Yarmouth
HICKMAN of Winthrop
McCREIGHT of Harpswell

READ.

On motion of Representative SCHNECK of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 207) (L.D. 694) Bill "An Act To Amend the Charter of the Town of Madison's Department of Electric Works" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(S.P. 21) (L.D. 68) Bill "An Act To Improve the Record Keeping of the Public Utilities Commission" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-12)**

(S.P. 23) (L.D. 70) Bill "An Act To Support the Trades through a Tax Credit for Apprenticeship Programs" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-10)**

(S.P. 119) (L.D. 441) Bill "An Act To Reduce Childhood Exposure to Harmful Ultraviolet Radiation by Allowing Students To Use Sunscreen in Schools" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-14)**

(S.P. 134) (L.D. 456) Bill "An Act To Strengthen the Qualifications for County Sheriffs" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-13)**

(H.P. 76) (L.D. 90) Bill "An Act To Amend the Law Governing the Membership of the Town of York Planning Board and the Town of York Appeals Board" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-36)**

(H.P. 139) (L.D. 176) Bill "An Act To Enhance Participation on the State Board of Education" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-29)**

(H.P. 225) (L.D. 301) Bill "An Act To Help Older Adults Age in Place through Comprehensive Planning" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-31)**

(H.P. 453) (L.D. 625) Bill "An Act To Phase Out the Insurance Premium Tax on Annuities" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-32)**

(H.P. 599) (L.D. 825) Bill "An Act To Change the Harassment Prevention Training Required for Legislators, Legislative Staff and Lobbyists" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-30)**

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

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

**ENACTORS
Emergency Measure**

An Act To Permit Plantations To Fill Vacancies of Town Officials

(H.P. 56) (L.D. 59)
(C. "A" H-8)

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. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Permit Disability Insurance To Be Offered through the Surplus Lines Market

(S.P. 72) (L.D. 260)
(C. "A" S-7)

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. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Provide for the 2019 and 2020 Allocations of the State Ceiling on Private Activity Bonds

(S.P. 113) (L.D. 435)
(C. "A" S-8)

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. 129 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Provide Occupants of Motor Vehicles with Gold Star Family Registration Plates Free Entry to State Parks and Historic Sites

(H.P. 132) (L.D. 169)
(C. "A" H-13)

An Act To Prohibit Questions Regarding Criminal History on Certain State Employment Applications

(H.P. 133) (L.D. 170)

An Act To Fund the School Revolving Renovation Fund

(H.P. 313) (L.D. 404)
(C. "A" H-9)

An Act To Provide Meals to Homebound Individuals

(H.P. 357) (L.D. 472)
(C. "A" H-12)

An Act To Give the Commissioner of Inland Fisheries and Wildlife the Authority To Extend Any Trapping Season Based on Weather Conditions or Other Factors

(S.P. 155) (L.D. 490)
(C. "A" S-9)

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

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment, Thursday March 21, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-11)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Funding to the Department of Health and Human Services To Support Free Health Clinics in the State"

(H.P. 144) (L.D. 181)

TABLED - March 14, 2019 (Till Later Today) by Representative HYMANSON of York.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative CRAVEN of Lewiston **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER PRO TEM: 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. 24

YEA - Ackley, Alley, Andrews, Arata, Austin S, Babbidge, Bickford, Blier, Bradstreet, Cardone, Carney, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Mastraccio, McCrean, Millett, Morales, Morris, O'Connor, Ordway, Perkins, Perry J, Pickett, Pierce T, Prescott, Reed, Riley, Rudnicki, Sampson, Schneck, Sharpe, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Theriault, Tucker, Tuell, Wadsworth, White B, White D, Zeigler.

NAY - Austin B, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Matlack, Maxmin, McCreight, McLean, Melaragno, Meyer, Moonen, O'Neil, Pebworth, Peoples, Perry A, Pluecker, Reckitt, Riseman, Rykerson, Sheats, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Verow, Warren, Madam Speaker.

ABSENT - Campbell, Denno, DeVeau, Doore, Head, Kryzak, McDonald, Nadeau, Roberts-Lovell.

Yes, 79; No, 61; Absent, 9; Excused, 1.

79 having voted in the affirmative and 61 voted in the negative, with 9 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 128)

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

March 25, 2019

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Matthew W. Moonen of Portland to serve as Speaker Pro Tem to convene the House on March 26, 2019.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans"

(S.P. 436) (L.D. 1408)

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 Relating to Complementary and Alternative Medicine Licensure"

(S.P. 428) (L.D. 1384)

Bill "An Act To Increase Access to Safe and Affordable Prescription Drugs"

(S.P. 431) (L.D. 1387)

Bill "An Act To Address Transparency, Accountability and Oversight of Pharmacy Benefit Managers"

(S.P. 433) (L.D. 1389)

Bill "An Act To Improve Price Transparency of Prescription Drugs Sold in Maine"

(S.P. 437) (L.D. 1409)

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, Directing the Attorney General To Pursue the State's Claim That It Holds Title to Maine's Intertidal Lands (EMERGENCY)

(S.P. 432) (L.D. 1388)

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 Amend the Laws Governing Corrections Officers Who Suffer Certain Injuries, Impairments or Medical Conditions"

(S.P. 429) (L.D. 1385)

Bill "An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects"

(S.P. 430) (L.D. 1386)

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 Fund Saco Area Traffic Improvements"

(S.P. 434) (L.D. 1390)

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

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

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

On motion of Representative DILLINGHAM of Oxford, the House adjourned at 12:06 p.m., until 10:00 a.m., Thursday, March 28, 2019.