

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
27th Legislative Day
Monday, April 2, 2018

The Speaker resumed the Chair.

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

Prayer by Pastor Steve Smith, Orono United Methodist Church and Alton United Methodist Church.

National Anthem by Steve Smith, Orono.

Pledge of Allegiance.

Doctor of the day, Marc Miller, M.D., South Freeport.

The Journal of Thursday, March 29, 2018 was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 725)

WHEREAS, the members of the Task Force on Maine's 21st Century Economy and Workforce worked together in a nonpartisan manner, with input from the State's businesses, education community and workforce and policy experts, to develop unanimous recommendations for targeted investments in places where workforce barriers were identified in order to provide some immediate alleviation of workforce shortages in priority sectors; and

WHEREAS, the Task Force on Maine's 21st Century Economy and Workforce focused most of its recommendations on the health care sector, while there are other priority sectors in the State, such as the construction and building trades; and

WHEREAS, the Task Force on Maine's 21st Century Economy and Workforce recommended that the task force be authorized to continue its important work in order to develop additional recommendations to address workforce issues in these additional priority sectors; now, therefore, be it

ORDERED, the House concurring, that the Task Force on Maine's 21st Century Economy and Workforce, established by Joint Order 2017, S.P. 294, referred to in this order as "the task force," is reestablished and authorized to continue its work as follows.

1. Appointments; composition. Notwithstanding Joint Rule 353, the task force consists of members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest and 2 members of the party holding the 2nd largest number of seats in the Senate;

B. Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest and 2 members of the party holding the 2nd largest number of seats in the House of Representatives;

C. One member representing the interests of the Maine Community College System, appointed by the President of the Senate;

D. One member representing the interests of the University of Maine System, appointed by the Speaker of the House of Representatives;

E. One member representing the interests of the State's career and technical education system, appointed by the President of the Senate;

F. One member representing the interests of apprenticeship programs in the State, appointed by the Speaker of the House of Representatives;

G. One member representing the interests of providers and teachers of adult education in the State, appointed by the President of the Senate;

H. One member representing the interests of the construction and building trades, appointed by the Speaker of the House of Representatives;

I. One member representing the statewide interests of the business community, appointed by the President of the Senate;

J. One member representing the interests of a Maine business that employs more than 1,000 workers, appointed by the President of the Senate; and

K. One member representing the interests of a Maine business that employs fewer than 1,000 workers, appointed by the Speaker of the House of Representatives.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as members of the task force the Commissioner of Education, or the commissioner's designee, and the Commissioner of Labor, or the commissioner's designee.

2. Chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force. The chairs may invite the participation of interested parties and stakeholders who represent the interests of those sectors of industry that have experienced significant workforce shortages and who are not task force members.

3. Appointments; convening. All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force may call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

4. Duties. The task force shall develop strategies to make targeted and strategic investments in the State's workforce and businesses; to expand partnerships among the State's workers, educators and businesses to specifically address workforce needs and worker training; to develop strategies for attracting, retaining and training Maine workers in sectors of industry most acutely affected by workforce shortages, as identified in priority order by the Maine Department of Labor, including the construction and building trades; and to help improve the ability of small businesses to innovate and expand.

5. Compensation. The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per

diem for their attendance at authorized meetings of the task force.

6. Quorum. A quorum is a majority of the members of the task force, including those members invited to participate who have accepted the invitation to participate.

7. Staffing. The Legislative Council shall contract for necessary staff support for the task force during the legislative session and may contract for such staff support for a longer period to the extent needed and if sufficient funding is available. At the request of the task force, the Legislative Council may provide drafting assistance to the task force during the legislative session and other staffing support to the task force when the Legislature is not in session.

8. Reports. No later than November 7, 2018, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 128th Legislature.

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

READ.

On motion of Representative HERBIG of Belfast, the Joint Order was placed on the Special Study Table pursuant to Joint Rule 353 pending **PASSAGE**.

Non-Concurrent Matter

Bill "An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law"

(S.P. 656) (L.D. 1769)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on March 28, 2018.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-404)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Elections"

(H.P. 1206) (L.D. 1726)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)** in the House on March 28, 2018.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Education"

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

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694) in the House on March 28, 2018.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694) AND SENATE AMENDMENT "A" (S-427)** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 481)

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

March 30, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1656, "An Act To Allow Free Admission to the Maine State Museum."

I veto this bill not because I disagree with its goal, but because legislation is not necessary. At the public hearing on the bill, the Director of the State Museum acknowledged that he already has the authority to waive admission for veterans' entry to the Museum but is simply choosing not to do so. I believe he has made the wrong decision and I encourage the Board of the State Museum to review that decision. However, it is the purview of that Board to determine whether or not that can be accomplished with truly no cost to the Museum or the state as this bill has represented by containing no appropriation. I do not believe the Legislature should get into the habit of micromanaging every policy or minor decision of the Museum or other quasi-governmental entities without including funds for lost revenues.

Further, I find it hard to reconcile that the State Museum regularly advocates for more funding to grow its collection, expand and upgrade storage and launch new programming but suddenly the Museum represents that it can absorb incremental costs with no problem.

The Museum ought to waive entrance fees for veterans who have served this country because it is the right thing to do to honor our nation's heroes. They have that authority already and I believe they should do it without the Legislature intervening.

For these reasons, I return LD 1656 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying item An Act To Allow Veterans Free Admission to the Maine State Museum

(H.P. 1141) (L.D. 1656)

(C. "A" H-606)

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

The Following Communication: (H.C. 482)

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

March 30, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1823, "An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer."

This bill amends the law to make permanent the temporary exception allowing non-residents to hunt on the day reserved for residents-only deer hunting on the Saturday prior to the open deer-hunting season. This has traditionally been a day reserved solely for residents of the State. In 2016, the legislature voted for a two-year exception to allow non-residents owning 25 or more acres of land open to hunting to participate in this residents-only hunting day.

I believe that allowing hunting on the Saturday prior to the open season is a privilege that should return to being an exclusive benefit for the residents of the State of Maine. I encourage anyone who wants to hunt on that day to declare residency. I do not favor an extension of this pilot program and believe the exception should sunset on September 15, 2018, as originally passed.

For this reason, I return LD 1823 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer

(H.P. 1265) (L.D. 1823)

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

Representative **DUCHESNE**: Thank you, Madam Speaker and Men and Women of the House. Are we prepared to go to the override vote?

The SPEAKER: The Chair would answer in the affirmative. The question now before the House is shall this bill become a law notwithstanding the objections of the governor. The Representative may proceed.

Representative **DUCHESNE**: Thank you, Madam Speaker. Just a quick explanation from me. Maine doesn't have a whole lot of public land, so we have this longstanding tradition of public access to private land, and there's been a good relationship with landowners and we do everything in our power to keep that relationship going. So we have landowner relations employees within the Department and we have special laws in the books that say thank you to the private landowners who allow us access to their lands. One of those thank yous in recent years has been if you are a nonresident landowner of 25 acres or more, and you allow us to hunt on your land, then you can also hunt on resident-only day, the first day of deer season. This was unanimous in Committee, we supported it. We reasoned that if you're paying local taxes and you're giving us access to your land for an entire season, we

can give you one day. So that's why we ended up where we did. Thank you, Madam Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The SPEAKER: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 548V

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

NAY - Johansen, Sanderson, Stetkis, Sutton, Turner, White.

ABSENT - Cardone, Daughtry, Devin, Foley, Frey, Fuller, Rykerson, Sherman, Ward.

Yes, 136; No, 6; Absent, 9; Excused, 0.

136 having voted in the affirmative and 6 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 477)

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

March 29, 2018

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

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

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 475)

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

April 2, 2018

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

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

On March 28, 2018

Jaylee E. Rice of St. Albans and Dr. Fernande Desjardins of St. Agatha for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Brandon St. Germain of Ellsworth, Anne R. Devine of Portland and Frederick C. Dey of Portland for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, these appointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Sara Gideon

Speaker of the House

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

The Following Communication: (H.C. 478)

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

April 2, 2018

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 Health and Human Services has approved the request by the sponsor, Representative Hymanson of York, to report the following "Leave to Withdraw":

L.D. 562 An Act Concerning the Department of Health and Human Services

Pursuant to Joint Rule 310, the Committee on Health and Human Services has approved the request by the sponsor, Representative Gattine of Westbrook, to report the following "Leave to Withdraw":

L.D. 186 An Act To Improve Peer Support Services

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (H.C. 479)

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

April 2, 2018

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

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the requests for "Leave to Withdraw" by the following sponsors:

Representative Corey of Windham

L.D. 164 An Act To Require Tamper-evident Packaging for Recreational Marijuana Products

L.D. 596 An Act To Promote Highway Safety by Restricting the Use of Marijuana and Possession of an Open Marijuana Container in a Motor Vehicle

Representative Battle of South Portland

L.D. 215 An Act To Require a License for the Possession, Sale, Cultivation or Transportation of Marijuana for Recreational Use

Representative Stetkis of Canaan

L.D. 626 An Act To Provide Funding for County Jails from Sales Tax Collected on Retail Sales of Marijuana and Marijuana Products

Senator Libby of Androscoggin

L.D. 806 An Act To Provide Tax Fairness and To Lower Medical Expenses for Patients under the Maine Medical Use of Marijuana Act

Representative Harrington of Sanford

L.D. 1448 An Act To Clarify Certain Provisions of the Marijuana Legalization Act and To Deter the Use of Marijuana by Minors (EMERGENCY)

Senator Gratwick of Penobscot

L.D. 387 An Act To Provide for Oversight of Maine's Recreational Marijuana Laws

Representative Austin of Skowhegan

L.D. 499 An Act To Allow Municipalities To Prohibit Retail Marijuana Facilities in Safe Zones

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (H.C. 480)

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

April 2, 2018

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:

Energy, Utilities and Technology

L.D. 131 An Act To Protect the Biomass Industry
L.D. 1224 An Act To Allow for Greater Energy Competition in Maine by Amending the Law Governing Electric Generation or Generation-related Assets by Affiliates

Health and Human Services

L.D. 1527 An Act To Ensure Safety, Quality and Transparency in the Medical Marijuana Market and To Ensure Sufficient Funding for Regulation and Enforcement with Respect to the Retail Marijuana Industry

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 937)

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

March 29, 2018

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

Dear Speaker Gideon:

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

Upon the recommendation of the Committee on Education and Cultural Affairs,

- Beth Anne Lorigan of Brewer for reappointment to the Maine Community College System, Board of Trustees;
- Dr. William H. Cassidy of Standish for reappointment to the Maine Community College System, Board of Trustees;
- Kimberly N. Lindlof of Fairfield for appointment to the Maine Community College System, Board of Trustees.

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

READ and **ORDERED PLACED ON FILE.**

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act Regarding Energy Costs"

(H.P. 1328) (L.D. 1895)

Sponsored by Representative WADSWORTH of Hiram.
(GOVERNOR'S BILL)

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.

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 items:

Recognizing:

the Honorable Thomas J. Davis, Jr., of Kenduskeag, for his over 33 years of service as a Penobscot County Commissioner. We extend to Commissioner Davis our appreciation for his service to the citizens of Penobscot County and offer him our best wishes;

(SLS 784)

On **OBJECTION** of Representative STANLEY of Medway, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Madam Speaker, Ladies and Gentlemen of the House, I rise today to honor a gentleman that I've known for over 30 years. Tom Davis, a dairy farmer who became a county commissioner 33 years ago, who has done -- is considered the dean of county commissioners in this state at the present time.

My first encounter with Commissioner Davis was on a property tax abatement, and I was sitting in a little town office up in Medway, and some guy come rolling up in a big Lincoln Continental. And I'll tell you what, 33 years ago, somebody comes to Medway in a big Lincoln Continental, you sigh and say, "Who's this guy?" Well, this guy would happen to be Tom Davis. If you didn't know Tom Davis, Tom Davis is about 6'6" and weighs about 350 pounds, and when he got out of that car, and I'm sitting there watching him come in through the door, and I'm saying to myself, "What did I get myself into in doing an abatement on this?"

Well, anyways, he came in, sat down, and we talked, and we came up with an agreement that was reached by both sides and by the party that we were doing the abatement for, so we walked out pretty good. And ever since that day, I've known Tom Davis. I served with Tom Davis on the Budget Committee, County Budget Committee, and I served eight years with Tom Davis as a county commissioner, and I still serve with Tom Davis on the Budget Committee. The one thing, though, Tom Davis is a big man who likes to talk loud, but his bark is more than his bite, because I'll tell you, you couldn't find a man much more with more common sense, I think, than Tom Davis. Whether you agree with him or not agree with him, the part of the matter is he tries to do what's best for the people. And having served on the county commissioner with Tom Davis, I learned a lot of things about a lot of different things. His most famous thing is, there's a price for anything. What's written down, you can always negotiate, and I'll tell you what, sitting on the board with Tom Davis, I seen that. We've negotiated a lot of things that most people would put down in stone, but Tom is the type of individual that could make you stop and think, and a lot of times we got good deals, I'll be honest with you.

But Tom is a guy that is going to be missed, and -- he's got the sense of humor of an old farmer, and I mean an old farmer. He's 80 years old, and he's one of them type of guys you got to sit down and listen to, because you can learn a lot from these people. I learned a lot about county government through Tom

Davis. I've also learned a lot about life from Tom Davis, because Tom Davis is the type of individual that we all should be looking up to, because he's the type of guy that when you talk to him, he's always on the negative side. I hate to say it, but he is, but the thing is you can turn him around with a little common sense, and he uses common sense for most of the things that he does. So him and I got along fairly well, and I'll tell you, I miss not being on the County Commission Board with Tom because, like I said, it was a learning experience, you learn a lot about people. And I just want to sit here and say Tom, good luck to you in the future, because you're a very reputable man. Thank you.

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

Representative GUERIN: Thank you, Madam Speaker. It's my honor to stand in honor of my good friend, Tom Davis. I grew up in Kenduskeag and I've known Tom my whole life. I can't remember not knowing him. He is one of those people that takes the air out of the room. He's a big, strong dairy farmer and has a booming voice and an infectious smile. On Friday, Kenduskeag had their town meeting, and they dedicated the warrant to Tom for his 50 years of service to the town, keeping the tax rate low and people working towards the good of the town. He had some remarks at Town Meeting on Friday, and one of the things he wanted to impress on people is working together and working across the aisle and listening to each other instead of having hardline party divides. And he's a man who's a very conservative Republican, but he really admonished everyone there to be more civil and to listen to the ideas of what would appear to be their opponents, because lots of times they can get good ideas from the other side; and his life really has reflected that, his work as a county commissioner. He is very good friends with everyone on the commission and they all speak very highly of Tom and his work for the county. Tom has some great stories. He loves to tell about naming a cow after me, so he has delighted in telling that ever since I've been in the Legislature. But he has been a credit to our town and he is a true statesman for the State of Maine.

Subsequently, this Expression of Legislative Sentiment was PASSED in concurrence.

Recognizing:

Hannah Sanderson, of Northport, and Emily Jolliffe, Kelsey Mehuren and Zoe Deans, all of Searsmont, who compose the Belfast Area High School 4x800 Meter Relay Team, which placed second in the 4x800 Meter Relay at the Class B State Indoor Track Championships. We extend to them our congratulations and best wishes;

(HLS 1045)

Presented by Representative HERBIG of Belfast. Cosponsored by President THIBODEAU of Waldo, Representative ZEIGLER of Montville.

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Emily Jolliffe and Kelsey Mehuren, both of Searsmont, and Mackenzie Banks and Junne Robertson-McIntire, both of Belfast, who compose the Belfast Area High School 4x200 Meter Relay Team, which won the 4x200 Meter Relay at the Class B State Indoor Track Championships. We extend to them our congratulations and best wishes;

(HLS 1046)

Presented by Representative HERBIG of Belfast. Cosponsored by President THIBODEAU of Waldo, Representative ZEIGLER of Montville.

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Jack Hansen, of Northport, a student at Belfast Area High School, who placed second in both the Pole Vault and the Long Jump at the Class B State Indoor Track Championships. We extend to Jack our congratulations and best wishes;

(HLS 1047)

Presented by Representative HERBIG of Belfast. Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Junne Robertson-McIntire, of Belfast, a student at Belfast Area High School, who won the 55-meter Dash and placed second in the 200-meter Event at the Class B State Indoor Track Championships. We extend to Junne our congratulations and best wishes;

(HLS 1048)

Presented by Representative HERBIG of Belfast. Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Recognizing:

Dana Whitten, of Northport, who is retiring after nearly 42 years working as a pediatrician for the families of mid-coast Maine. We extend to Dr. Whitten our appreciation for his service and offer him our congratulations on his retirement;

(HLS 1049)

Presented by Representative HERBIG of Belfast. Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative HERBIG of Belfast, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

In Memory of:

Harold B. Swan, of Brewer. Mr. Swan lived his entire life in the same residence that his father, Reginald Swan, built. He loved nature, gardening and, most of all, bees. In 1946, after serving in World War II, he became a beekeeper and founded R.B. Swan & Son with his father. The business grew through the 1970s, running up to 2,400 hives for pollination and honey production. He became the first commercial beekeeper in Maine and the first to rent bees for blueberry pollination. In November 2015, he was given the Lifetime Achievement Award by the Maine State Beekeepers Association. He is known as the "grandfather of beekeeping in Maine." He married Hilda (Carver) Swan in 1951, and the two worked side by side in the beekeeping business for decades. Mr. Swan will be long remembered and sadly missed by his family and friends;

(HLS 1056)

Presented by Representative LYFORD of Eddington. Cosponsored by Senator ROSEN of Hancock, Representative CRAIG of Brewer.

On **OBJECTION** of Representative LYFORD of Eddington, was **REMOVED** from the Special Sentiment Calendar. **READ** and **ADOPTED** and sent for concurrence.

In Memory of:

Hilda (Carver) Swan, of Brewer. Mrs. Swan taught elementary school in Skowhegan and Bangor before marrying Harold Swan in 1951. For over 60 years, she worked alongside her husband in the family beekeeping business. She was also a caregiver for her parents, parents-in-law and elderly aunt until their passing. She was a member of Calvary Baptist Church for 52 years and was active in the ladies' Bible study, as well as the choir. Mrs. Swan will be long remembered and sadly missed by her family and friends;

(HLS 1057)

Presented by Representative LYFORD of Eddington. Cosponsored by Senator ROSEN of Hancock, Representative CRAIG of Brewer.

On **OBJECTION** of Representative LYFORD of Eddington, was **REMOVED** from the Special Sentiment Calendar. **READ** and **ADOPTED** and sent for concurrence.

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Representative MOONEN for the **Joint Standing Committee on Judiciary** on Bill "An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services"

(H.P. 1330) (L.D. 1897)

Reporting **Ought to Pass** pursuant to Public Law 2017, c. 284, Pt. UUUU, section 17.

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

The Bill **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.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-701)** on Bill "An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds"

(H.P. 990) (L.D. 1435)

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senator:

HAMPER of Oxford

Representative:

SANDERSON of Chelsea

READ.

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

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

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

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

Representative **HYMANSON**: Thank you, Madam Speaker. This bill requires the Department of Health and Human Services to provide an annual report to the Joint Standing Committees of the Legislature having jurisdiction over Health and Human Services matters and Appropriations in a financial affair regarding block grants received from the Federal Government. This is really a strategic bill because we are going to be getting more block grant money from the Federal Government. And so we're asking that reports be given to us that have not been given to us before. So, as an example, there are seven block grants now from DHHS, and as an example, two of them: the Child Care Development Fund Block Grant is \$17 million and the Substance Abuse Prevention and Treatment Block Grant is \$6.7 million. Both of those will be increasing in the next year. You might've heard about that from the federal level. And when it comes to us, it's incumbent upon us as policymakers to understand where that money goes and what its intended use is. So, this bill will ensure a dialogue between the Legislature and the Executive Branch, that there is transparency about how much and where this money is spent, and, importantly, how best to spend it. So, I ask you for your support in this Ought to Pass motion. Thank you, Madam Speaker.

The SPEAKER: The Chair will remind Members to please take conversations outside the Chamber. The Chair recognizes the Representative from Portland, Representative Jorgensen.

Representative **JORGENSEN**: Thank you, Madam Speaker. Madam Speaker, Colleagues in the House, I'm pleased to speak in support of LD 1435, which is a bill I introduced that merely asks the Department of Health and Human Services to document on an annual basis the status of the federal block grants it's received. It asks for the Department to report to the Legislature, for each block grant, the amount of the current year's grant, the carryforward amount it had entering the year, the amount it plans to expend from each grant in the coming year, and any substantial changes anticipated for the programs being funded by those grants in the coming year. And I'd also ask for a listing of populations served by the grant, and information on maintenance of effort and a summary of relevant laws. That's pretty much it.

The bill has been amended to address some of the major concerns expressed by the DHHS staff when they first testified on it, and I'm very grateful for the hard work of the DHHS -- the HHS Committee in helping make the bill today what it is. I anticipate this report really could be only a couple of pages long in total when it's complete. I think the Legislature and the public should have a clear and straightforward information on how taxpayer dollars are being spent. These block grants amount to more than \$100 million a year, and given the Federal Government's stated interest, as the good Representative from York stated, in increasing the number of programs being handled by block grants, there is apt to be more block granting, not less, in the future, and I think there's a need to understand how those grants are coming in and how they are being spent. Much of this information has proven a little bit difficult to get, and I want to be very clear that this bill, which would go into effect starting in 2019, is simply a chance to realize, as we move into a new administration, a modest improvement in the Legislature's ability to provide its constitutionally mandated oversight of these very substantial sources of revenue. It will be of value for stakeholders both inside and outside of government.

I need to conclude by just saying that if you passed my house last night at about 11:45 p.m. there would've been one light on, and that was coming from my office upstairs as I was working to get my taxes done. Now, in the same vein, I also need to say that before coming to the Legislature, I spent a dozen years working under federal contracts through the National Endowment for the Humanities. All this seemingly ungermane information is simply to say that I'm very aware of and I've been very sensitive of paperwork burdens. I understand there's a potential tipping point when reporting goes just too far, but I don't see this report as being hard to assemble at all, and I think its utility will far outweigh any small burden it might impose. Finally, I'll just say that I was gratified to see that this bill earned an 11-2 vote coming out of the HHS Committee. So I urge your support of the pending motion, and I hope you'll support this modest positive and proactive measure that will increase transparency in government. Thank you, Madam Speaker.

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

ROLL CALL NO. 549

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Casas, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Picchiotti, Pierce J, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Simmons, Skolfield, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Campbell, Cebra, Dillingham, Farrin, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Johansen, Kinney J, Lockman, Lyford, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Prescott, Reed, Sampson, Sanderson, Sirocki, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, White, Winsor.

ABSENT - Cardone, Foley, Frey, Fuller, Sherman, Ward.
Yes, 102; No, 43; Absent, 6; Excused, 0.

102 having voted in the affirmative and 43 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-701)** 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-701)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-702)** on Bill "An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services"

(H.P. 1189) (L.D. 1709)

Signed:
Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

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

Signed:
Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
 HEAD of Bethel
 SANDERSON of Chelsea

READ.

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

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

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

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

Representative **HYMANSON**: Thank you, Madam Speaker, ladies and gentlemen. Last year the Federal Office of Inspector General came to Maine and evaluated the critical incidences that were occurring with the developmental delay and intellectual disability community, and they found that there were 133 deaths in that community that were not investigated fully. This is not to say that those deaths were necessarily nefarious or something bad happened, but just that there wasn't a good investigation that was performed. Well, it turns out that the OIG said one of the most important things that you can do is have a board that reviews these suspicious deaths and mortality, and it turns out that we have one. It's called the Maine Developmental Services Oversight and Advisory Board. And the thing about that board is that it's not working properly, and it's not working properly for two reasons. One is that they are not getting the data, and they haven't been for the last three to five years, in order to review the deaths. The other is that people have not been appointed to the board, so there aren't people who can review these deaths. So it's important, and the OIG had this as one of their recommendations, to make this statutory board work. So, this is a bill that requires the statutory board to work, and I hope you support this Ought to Pass amendment -- motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Berwick, Representative Parker.

Representative **PARKER**: Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House. With the closing of Pineland Center in 1996, Maine was emerging as a leader in regards to services and support of Mainers with intellectual disability and autism. So much so that in 2010 U.S. District Court Judge George Singal lifted the consent decree from 1994, which was put in place to better support adults with intellectual disability and autism in our communities. Maine had stepped up to the plate. Judge Singal stated he understood people's concerns that the state could regress, especially given financial pressures. I quote, "the fear that history may repeat itself will always be present. We must require ourselves to be forever diligent." The Maine Development Services Oversight Advisory Board is the successor to the Consumer Advisory Board. It has not received a final report from Adult Protective Service investigations since 2011, and without the necessary and appropriate information or members filling all positions, the board cannot oversee the state's work with Maine's population of adults with intellectual disability and autism.

The OIG released its final report last summer that Maine had failed to demonstrate that it had a system to ensure the health, welfare, and safety of 2,640 adult Mainers with intellectual disabilities. These Medicaid beneficiaries were covered by a Medicaid waiver. The Department of Health and

Human Services agreed with all seven recommendations of the OIG, and disagreed with two of their findings.

The Office of the Inspector General maintains that the evidence supports all of their findings. It's important to note that five healthcare service providers in York, Penobscot, Androscoggin, and Kennebec counties shared their referral numbers with the BDN. They reported 555 allegations of abuse, neglect, or exploitation between 2011 and 2015. Adult Protective Services had produced final reports for just 40. The Maine Development Services Oversight Advisory Board received no reports, and their repeated calls to the Department were not returned.

Madam Speaker, adult Mainers with intellectual disabilities and autism are not able to advocate for themselves. It is our duty and responsibility as their Representatives to speak up and watch over them. I ask you to stand with me on behalf of adult Mainers with intellectual disabilities and autism, and please support the Ought to Pass motion.

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

Representative **FARNSWORTH**: I don't mean to belabor the point, but Representative Parker took the words right out of my mouth. I was the chair of the visitor's committee for Pineland Center when it closed, and she has nailed it right on the point. It's very important. Just remember, these are people who are less able to advocate for themselves, and this is a protection that has been built into the signing off on the consent decree, and we need to take it very seriously. Thank you.

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

ROLL CALL NO. 550

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

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

ABSENT - Cardone, Foley, Frey, Fuller, Sherman, Ward.

Yes, 88; No, 57; Absent, 6; Excused, 0.

88 having voted in the affirmative and 57 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-702)** 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-702)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-699)** on Bill "An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System" (H.P. 1091) (L.D. 1587)

Signed:

Senators:

VOLK of Cumberland
BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker, Women and Men of the House. When I had my son, Charles, two and a half years ago, and I came back to work here in Augusta, I was really lucky because I had family right down the road that was willing to help get me and Charles in a good situation so I could go back to work. I was really lucky. For most Maine families, that is an incredible luxury that is not available to them. Since I've been in office, I've heard from families almost every single day that are really struggling in times when they have a sick child, when they have a sick parent, or when they are caring for a baby new to the world and feel as though they have to go back to work before they feel that it is best for either them or their child.

Losing a day's work -- pay for a day's work or several days or several weeks of salary to take care of a sick child, that sick parent, that new baby, and still pay for other bills is a situation that too many Maine families grapple with on a regular basis. The fact is, most Mainers can't afford to take that time, which is a real shame, because right now, when Mainers have to take time off from work to take care of a sick child or a sick parent or a new baby, they're entitled to ten weeks of paid or unpaid medical leave, in the two years, through the Federal Family Medical Leave Act.

So, it's parents who can't afford childcare or in-home healthcare that are being forced to take unpaid leave from good-paying jobs, which sometimes takes them out of the workforce entirely, leaving these families with thousands of dollars in debts and no salary. We're damning them if they do and we're damning them if they don't.

There's also another side to this very complicated situation. Over the last year I've served as the chair of the State Workforce Task Force. I've also visited with over 70 employers across Waldo County. Right now, employers are struggling to fill jobs. It's terrible in rural Maine. Most jobs in my district have job openings and they can't find skilled workers to fill them. I see paid family medical leave as a way to attract and retain skilled workers for these employers. Employers are asking for tools in their toolbox to address this workforce shortage. Paid family medical leave is a good tool.

Creating a paid family medical leave system on the shoulders of businesses would not benefit anyone, and this bill has never proposed to do that. Creating a paid family medical leave system that works for employers, employees, everyone in this state, could serve as a wonderful way to make life better for all of us, and attract and retain skilled workers to this state.

There isn't an easy fix for this issue, but I'm tired of spinning our wheels when there are small steps that can take toward creating a cost-effective, smart, paid family medical leave system that works for both families and businesses. LD 1787 would allow us to conduct an actuarial study, so we could determine exactly how much it would cost to create this sustainable system through an employee payroll tax. The questions that would be answered in this study were established in a group prior to this coming to the floor. I worked with the Senator from Scarborough on this from the Retail Association from the Chamber of Commerce, to establish the parameters of this study, which would establish who would be covered by this program, what exactly would the benefit be, what would the employee contribution be, whether it were voluntary or mandatory, and the best way to administer the program for both businesses and the state. The University of Maine has offered to conduct this study, and this will require no state resources.

This is not about politics. This is about our families. This is about creating policies that work so more young families can continue to stay and come to this state because of the wonderful quality life that we have. LD 1587 is a responsible measured first step toward creating a paid family medical leave system, a study that will happen within one of our own state universities at no cost to us. This bill would allow us to move forward with our eyes open at the true costs and economic benefits of paid family medical leave for Maine, and finally enable progress where we struggled for years. I urge you to join me in supporting this.

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I recently saw a proposal

for universal childcare with about a \$400 million price tag, which is pretty hefty, and I appreciate this bill proposes to examine that, study it, and determine how we could afford to do this with a payroll tax. And I have a question, if I may, to pose through the Chair.

The SPEAKER: The Chair will remind the Representative to stay focused on the bill in front of us, which is LD 1587, and the Representative may proceed with her question.

Representative **SIROCKI**: Thank you, Madam Speaker. My question is this intention of this bill, to study a paid family medical leave system, how many other states have this system? If any other states have a system like this, I'd be curious to know. Thank you.

The SPEAKER: The Representative from Scarborough has posed a question to anyone who might answer. The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. There are three states that have paid family medical leave programs. Two have a short-term disability program in which they have created paid family medical leave out of. The state of Washington is the first state to create a paid family medical leave program that is not tied to short-term disability, and so that would probably be what we would do in Maine since we also don't have a short-term disability program in the state already. So, three states is the answer.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker. I would also like to add that this actuarial study is being done in, I believe, over ten other states, including our neighbor, New Hampshire. States are seeing this as a way to attract young people to their states, states typically with an older population who need to do what they can to make work environments flexible. This is a benefit to employers. This is something that other states including New Hampshire are doing. Maine should not fall behind in this process.

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

ROLL CALL NO. 551

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

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

ABSENT - Cardone, Foley, Fuller, Sherman, Ward.

Yes, 80; No, 66; Absent, 5; Excused, 0.

80 having voted in the affirmative and 66 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-699) 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-699)** 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-698)** on Bill "An Act Authorizing the Deorganization of the Town of Atkinson" (H.P. 1023) (L.D. 1484)

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
GRIGNON of Athens
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
ORDWAY of Standish
PICKETT of Dixfield

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

Signed:

Representatives:

BRYANT of Windham
SPEAR of South Thomaston

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-698) 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-698)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 430) (L.D. 1267) Bill "An Act To Protect Licensing Information of Medical Professionals" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-424)**

(H.P. 679) (L.D. 966) Bill "An Act To Create Mental Health Liaison Positions in Each County Jail" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-700)**

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

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

ENACTORS

Emergency Measure

An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act

(H.P. 595) (L.D. 846)
(C. "A" H-691)

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. 112 voted in favor of the same and 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Clarify Liability Pertaining to the Collection of Debts of MaineCare Providers by the Department of Health and Human Services

(H.P. 1194) (L.D. 1714)
(C. "A" H-674)

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. 119 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Ensure Sustainable Health Care Access in the Jackman Region

(H.P. 1216) (L.D. 1762)
(C. "A" H-676)

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. 122 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Amend the Laws Governing the Issuance of Burn Permits

(S.P. 678) (L.D. 1809)
(C. "A" S-417)

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. 127 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath

(H.P. 1270) (L.D. 1828)

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 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Regarding Permits for Burial of Cremated Remains

(S.P. 701) (L.D. 1856)

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. 124 voted in favor of the same and 4 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

(H.P. 1146) (L.D. 1661)
(C. "A" H-675)

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. 123 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1242) (L.D. 1797)
(C. "A" H-670)

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. 119 voted in favor of the same and 9 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials

(H.P. 1263) (L.D. 1821)
(C. "A" H-680)

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

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I just wanted to rise quickly to address this bill, because I know the word mandate can make us all nervous sometimes, and I just wanted to explain why the bipartisan Majority Report felt like it was not a big deal in this particular bill.

Current law, we have what's called the Freedom of Access Law, that says basically everything government does is public and the public has a right to know everything that government does, and there are a few specific exceptions to that, but it's the general rule for everything that government does. And because everything that we do is public, there's a whole lot of officials who carry out the business of the public and the business of government who are subject to the Freedom of Access Act, including the governor, the Attorney General, the Secretary of State, members of the Legislature, commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate, officials of school districts, municipal officers, clerks, treasurers, assessors, budget committee members, and on and on and on. There's public officials at all levels who are subject to the Freedom of Access Law, and so because of that, we have a statute that mandates training, so that when one of those people gets a Freedom of Access request from a citizen of the state, they know what the rules are that they're supposed to follow in order to respond, so they know how much time they have to respond, so they know what they can and can't charge for in terms of staff time that it takes to respond to a request, what they can and can't charge for copies if they need to make hard copies of things for people. And we found from the Right to Know Advisory Committee that there's a small flaw in our law about training. It says only that elected officials have to get that training, which is why you and I get that training every two years, Madam Speaker, when we come into this body as newly elected members of the House. But the flaw in the law is that it doesn't apply to all of those people in all of those positions that I just named that are not elected, that are appointed. And so this bill came to us from Right to Know, saying if all of these public officials are subject to the Right to Know and required to respond to it, they should all get the training.

And just so you know, the Maine Municipal Association testified in favor of this bill. They said that these trainings are already offered as a matter of routine and it would not be a big deal to add in a few more folks to attend those trainings and they could absorb that cost, so there's no actual dollar cost on this bill and they felt like they could handle it. So, that's why the majority of the committee felt like this was a reasonable thing to do, to better respond to the public's right to know.

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

Representative **GUERIN**: Thank you, Madam Speaker. Freedom of Access is the law in Maine. We have many laws. I do not believe we need to make another law mandating that

we learn how to follow the law. Municipalities know that they need to train people, and I don't think we need to make a law saying they have to do that.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. I just wanted to mention, as the House's Representative on the Right to Know Committee... one House member, one Senate member, and many members from communities around Maine, not only are a lot of different occupations and IT and everybody else represented, but there are four representatives appointed by the governor, four representatives appointed by the President of the Senate, and four by our own Speaker. That Committee voted unanimously on this particular bill. The Judiciary Committee considered this bill, and the report that we are about to vote on received support from both Democrats and Republicans in this body and Democrats and Republicans in the other body.

The testimony -- I can't improve much on the testimony of our Chair that gave you a lot of good information, but it is true that Maine School Management supported the bill. They have a policy committee of, I don't know the exact number, but it's 50, 60, 70 members from different municipalities from around the state, and they were not concerned about this as a mandate. They thought this would be something that would improve and protect their communities. I also want to mention the Maine School Management supported this, representing both school boards around the state and the Superintendent's Association. So, I hope you can support the overwhelming approval of this from all over the state. Thank you, Madam Speaker.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 77 voted in favor of the same and 67 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

**Pursuant to the Constitution
Public Land**

An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands

(S.P. 668) (L.D. 1789)
(C. "A" S-416)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Amend the Process for a Single Municipality To Withdraw from a Regional School Unit

(H.P. 37) (L.D. 51)
(C. "A" H-693)

An Act To Authorize the Maine Public Employees Retirement System To Procure and Offer Long-term Disability Insurance

(H.P. 132) (L.D. 176)
(C. "A" H-681)

An Act To Support Kinship Families by Creating a Kinship Care Navigator Program

(H.P. 203) (L.D. 270)
(C. "A" H-673)

An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers

(H.P. 207) (L.D. 274)
(C. "D" H-686)

An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers

(S.P. 231) (L.D. 669)
(C. "A" S-399)

An Act To Ensure Fairness among Large Consumers of Natural Gas

(S.P. 267) (L.D. 822)
(C. "A" S-400)

An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act

(S.P. 314) (L.D. 958)
(C. "A" S-401)

An Act To Help Prevent Financial Elder Abuse

(H.P. 681) (L.D. 968)
(C. "A" H-599)

An Act To Establish Homelessness as an Emergency in the General Assistance Laws

(S.P. 363) (L.D. 1109)
(C. "B" S-409)

An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine

(S.P. 383) (L.D. 1162)
(S. "A" S-420 to C. "A" S-380)

An Act To Ensure the Quality of and Increase Access to Recovery Residences

(S.P. 618) (L.D. 1682)
(C. "A" S-411)

An Act Regarding Meals in Public Schools

(S.P. 620) (L.D. 1684)
(C. "A" S-413)

An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget

(S.P. 625) (L.D. 1689)
(C. "B" S-415)

An Act To Strengthen Crime Victims' Rights

(H.P. 1185) (L.D. 1705)
(C. "A" H-668)

An Act To Change the Procedures for Veterinarians in the Controlled Substances Prescription Monitoring Program

(S.P. 629) (L.D. 1730)
(C. "A" S-422)

An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations

(H.P. 1207) (L.D. 1755)
(C. "A" H-679)

An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow

(H.P. 1223) (L.D. 1774)
(C. "A" H-687)

An Act To Implement the Recommendations of the Board of Dental Practice

(H.P. 1267) (L.D. 1825)
(C. "A" H-669)

An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos

(S.P. 690) (L.D. 1838)
(C. "A" S-419)

An Act To Revise the Municipal Consolidation Referendum Process

(S.P. 692) (L.D. 1840)
(C. "A" S-418)

An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services

(H.P. 1287) (L.D. 1850)
(C. "A" H-672)

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

Resolves

Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services

(S.P. 124) (L.D. 383)
(C. "A" S-408)

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

An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund

(S.P. 703) (L.D. 1858)

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

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

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

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

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

ROLL CALL NO. 552

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

Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Chapman, Spear.

ABSENT - Black, Cardone, Foley, Fuller, Marean, Sherman, Ward.

Yes, 142; No, 2; Absent, 7; Excused, 0.

142 having voted in the affirmative and 2 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, March 29, 2018, 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 Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit"

(H.P. 930) (L.D. 1336)

- In House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto on March 20, 2018.

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605) in NON-CONCURRENCE**.

TABLED - March 29, 2018 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **FURTHER CONSIDERATION**.

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ADHERE**.

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

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

ROLL CALL NO. 553

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cebra, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fredette, Frey, Gattine, Golden, Grant, Grignon, Grohman, Haggan, Hamann, Handy, Harrington, Harvell, Head, Herbig, Herrick, Hickman, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parker, Perkins, Perry, Pickett, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Skolfield, Spear, Stanley, Stearns, Stetkis, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Wadsworth, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bates, Battle, Bradstreet, Campbell, Casas, Chace, Chapman, Craig, Dillingham, Espling, Farrin,

Gerrish, Gillway, Ginzler, Guerin, Hanington, Hanley, Harlow, Hawke, Higgins, Johansen, Kinney M, Kornfield, Lockman, Lyford, Mason, O'Connor, Parry, Picchiotti, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wallace, White, Winsor, Wood.

ABSENT - Black, Cardone, Foley, Fuller, Marean, Sherman, Ward.

Yes, 93; No, 51; Absent, 7; Excused, 0.

93 having voted in the affirmative and 51 voted in the negative, with 7 being absent, and accordingly the House voted to **ADHERE**.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-697)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Tribal Gaming"

(H.P. 838) (L.D. 1201)

TABLED - March 29, 2018 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Minority **Ought to Pass as Amended Report**.

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

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

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

Representative **COLLINGS**: Madam Speaker, Ladies and Gentlemen of the House, I'll try to do this as succinctly as I possibly can here. There's a lot to cover. I won't cover it all today. So, this is a bill that had buy-in from five tribal communities here in the state, and the question may be why did I submit this bill being from Portland? I submitted this bill because I thought, as been the case when these bills have come up the past 12 years on occasion, it was a matter of fairness which was an argument both sides of the aisles in the House and Senate usually voted for. But this year, I wanted to talk about something else which doesn't happen in Maine but happens all across the country, and that's Indian gaming. In about half the states, based on a federal law, tribes are allowed to have gaming, and it's been an overall success. I've worked with tribes around the country and I've seen the great things they did, and I ask myself, "Why can't we do this here in the State of Maine? Why can't we help the tribes and why can't we give a big boon economically to the rest of the state?" So, that's what I brought the bill forward with. I did a lot of work with the Committee, it was great working with -- always great working with the VLA Committee.

The bill as first proposed has been completely altered. The bill as first proposed was to put the State of Maine in compliance with the Indian Gaming Regulatory Act passed in 1988, which simply states if commercial gaming is allowed in a state, you can't deny it to a federally recognized Indian tribe, which does happen here because of the 1980 Settlement Act precludes federal laws from benefitting the tribes in Maine after they signed that. So, that is why the tribes in Maine can't do that, and it's been argued over the years, well, they signed that Act so they can't do it, but what I want to talk more about today is the spirit of the law, not the letter of the law. And so, when

the bill was first proposed, it said that the tribes in Maine should have what's allowed to commercial entities, as is the case around the country. So, if that would've been the case here in Maine, if it wasn't for the Settlement Act, once they opened up gaming in Bangor and in Oxford, the tribes would've had to negotiate with the state for a gaming compact. If the state wouldn't, the Federal Government would negotiate with the tribes and remove the state from the process.

So, because of that issue, the bill was put forward that said all recognized tribes in the state should be able to have those gaming rights. Now, obviously, four federally recognized tribes in five communities for the -- I do a lot of work with gaming markets around the country, and it just wasn't possible to have four or five new gaming sites around the state. It wouldn't work for the tribes and it would not work for the state, so why do it, right? Just common sense. So, I came back to the tribes and I met with them and several other members in the House and Senate, Democrats, Republicans, Independents; we had talks with the tribes. And we said, "Do you just want us to let this die on a moral argument? Do some education, make this a symbolic thing? Or do you want to try to do something with it?" And there came to a consensus with tribal leaders over the past year, that while they tried many years, they've been told no again and again and again, but if the state would reach out a branch and say we are proposing this law, would you like to weigh in on it, they said, "We'll weigh in on it and we'll do something that makes sense. We'll ask to have one site for all of us instead of all of us having our own sites and competing with other casinos in the state. We will ask for the tribes to be united," which has not happened before. There has not been one case since the Settlement Act in 1980, that I know of, where all the tribes have come together jointly and asked for one site. So, the tribes did put some effort into this to work together. Now you have five distinct communities and four recognized tribes, they all have different issues, they're in different geographical locations, so it's not a one size fits all that automatically -- the Penobscots say they want something so the Passamaquoddy, Micmac and Maliseets say okay, we'll just do that because another tribe wants it. They all have distinct different issues. So to get everyone together at the table to agree on something, that's a big effort from the tribes, and I really appreciate their willingness to work with us here on this.

So, it got amended from all of them being able to have what was currently on the books for Bangor and Oxford, for them to have one joint facility up to what Bangor and Oxford could have, up to 1500 machines. But as you know the history in Maine, you don't start out with that much, you go with what the market would bear, which probably would be a facility of 300-400 machines, which the fiscal note estimates it to be about 15-16 million for the tribes at that minimal amount and about 5-6 million, I believe, for the state. Also what happened in the bill, when it got amended in the Committee, was that when they passed Oxford by referendum, there was a stipulation that Penobscot and Passamaquoddy would get funding from the casino operation, but if they were to get gaming themselves, they would have to forego that money. So that money goes right into the general fund. All the money from this facility, if it's passed, would go into the general fund in addition to the revenue stream from Oxford going back into the general fund.

The amended law also stipulates that a facility held by all the tribal communities could be either on a tribal land that's already in existence from one of the four recognized tribes, or it could be in a municipality if the municipality votes for it, which

is usually the precedent for these matters. So, that's what the amended bill came to be, from all of them having one, for them working together for one site. So, that's where the bill stands now that we're voting on.

I wanted to briefly just state the history of the gaming in Maine. So, before the Settlement Act, the tribes, specifically the Penobscot, had a high-stakes bingo operation. When they got federal recognition, when there was a Settlement Act that included the Penobscot and Passamaquoddy, Maliseet joined it at the end in 1980, Micmac had their own Settlement Act in the early '90s, about 12 years later... Before that Settlement Act there was some gaming, there was some bingo. After the Settlement Act, that bingo went away, and then there's a precedent for tribal gaming here in the Legislature. What happened was once that bingo went away the Legislature overwhelmingly voted to allow the bingo to come back; and an outgoing attorney general, I think it was Attorney General James Tierney, spoke out to the State of Maine and said look, the letter of the law in the Settlement Act stipulates that we don't have to let the tribes do this, but all around the country and around 1988 tribes got the right for gaming with the states, they said while you don't have to in Maine, you should, because it's the right thing to do and it will help the tribes. The Legislature overwhelmingly supported it, fraternal clubs that had bingo and would've had the competition supported it, a former governor vetoed it, the Legislature overrode, and the Legislature gave high-stakes bingo back to the tribes. Go down the road, after the 1988 law that gave gaming to tribes nationally, the Passamaquoddy, through the courts, tried to get gaming, they didn't succeed in the courts.

In 2003, the Penobscot and Passamaquoddy tried for a large resort-style casino in southern Maine, they got turned down. That year, they voted to allow Bangor to have a racino, later got -- the developers sold it, Pen National took it over. More legislation came in through here, some votes were close for both Penobscot and Passamaquoddy to have gaming facilities. They were very close votes. One got overrode by the former governor, came within two votes of being overrode. Then they tried to do a racino referendum for the Passamaquoddy in 2007. On a very close vote by the public, they turned that down. Shortly after that, I believe, is when they voted to allow Oxford to have a casino there. When Bangor opened up the casino, after a short amount of time, it closed down the Penobscot's high-stakes bingo. When Oxford opened up, it took away some of Bangor's business, but then Bangor was allowed to add table games and that helped them gain more revenue; and that's currently where we stand right now with gaming in the State of Maine.

As far as Indian gaming, I know we're aware of two facilities, Oxford and Bangor; but I want to say that if all of you could come with me around the country and see the positive impact of Indian gaming, I think a lot of you would be here speaking with me today. In states like Arizona, tribes like the Tohono O'odham who have gaming are one of the first groups that is asked for for help. We need money for the Boys and Girls Club, here's a million-dollar check. In Wisconsin, a former chairman of the Oneida of Wisconsin, Chairman Danforth, when there was emergencies, tragedies, one of the first person the governor would pick up the phone and call would be the tribal leader, we need help, we need support. When there were big storms in the south, around Louisiana, everything was shut down, the first thing the state did was said let's get the gaming on the boats and the other enterprises going, because that's going to help the state. In Oklahoma, where there's about 40 tribes with over a hundred or so

casinos, they go to the tribes all the time and ask them for money. They give away millions and millions of dollars. There's a tribe in Minnesota, it's one of the most philanthropic groups in the country. They take Indian gaming money and they give it out.

Indian gaming is successful, and it was passed overwhelmingly in Congress. It was looked at tribal communities around the country where there was lacking economic opportunities, especially in rural areas, and they said this is one model that can work for tribes and so they gave it to them. Unfortunately, it didn't come to Maine, and we know the tribes in rural locations could benefit from it, but the great story about Indian gaming is it doesn't benefit just tribes. About 75% of the people it employs are nontribal members. Last year it set a record federally. There was over -- close to 31 billion dollars in revenue gained from federal gaming, from Indian gaming. Billions of dollars goes to the Federal Government. I don't have the statistics per state, but the impact is huge. So, this is a win-win for the communities around the tribes, it's a win-win for the tribes and the state. And, I have to ask, by not allowing the tribes to do this, who are we benefitting? By allowing them not to do these economic ventures, they don't win and the state doesn't win. This is a win-win for the State of Maine, and I would ask you to greatly consider voting for this measure today. And I would like to close by posing the question before you vote this way; some people have said to me I don't like gaming or I don't want casinos in Maine. Well, I think the real question is different. I think the question has been answered, because we do have casinos in Maine, and we do have lotteries in Maine, and we've kept expanding them. We have off-track betting in Maine. So, I think to be very genuine and sincere, I do think that it's too late for the State of Maine to take the high road on this issue of gaming, and continue to let a couple out-of-state corporations do it, for the state to make money on it, and the tribes that need revenue badly for their communities and their surrounding communities, for us to continue to say no. We have said no -- in the past 30+ years since the Settlement Act, we've said no to the tribes time and time and time again. Today I would be very honored if you would all vote with me and say yes, and go back to the elders of the tribes and say we listened, we care, and we're with you, we're supporting you. Thank you.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative BEAR: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It is always a great honor to stand before you and speak. However, today, I'm not going to. I'm going to simply say to my friend from Portland; *woliwon*, my friend, and thank you for this fair bill. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative KUMIEGA: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, there is a successful precedent for the tribes working together. Six or seven years ago, there was a lot of controversy about tribal members participating in the state's lucrative elver fishery. There were citations, there were law enforcement actions, there were court cases, and a lot of negative publicity. But the Commissioner of Marine Resources and the Marine Resources Committee worked together with leadership of all four tribes, and we figured it out, and the elver fishery opened last week or a week and a half ago, and I didn't see any negative publicity, I didn't see any press coverage about arrests or citations. And

so, this is something that can happen in the State of Maine, and it can happen and it can be done right and it's a good economic opportunity for our tribes who really need that opportunity. Thank you, Madam Speaker.

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

ROLL CALL NO. 554

YEA - Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Cebra, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fecteau, Gattine, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Parker, Perry, Picchiotti, Prescott, Reckitt, Riley, Rykerson, Sanborn, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Bickford, Black, Bradstreet, Campbell, Chace, Craig, Dillingham, Espling, Farrin, Fay, Fredette, Frey, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Kornfield, Lawrence, Lockman, Lyford, Mason, Ordway, Parry, Perkins, Pickett, Pierce J, Pierce T, Pouliot, Reed, Sampson, Sanderson, Schneck, Seavey, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Cardone, Foley, Fuller, Kinney M, Marean, Sherman.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, and accordingly the Minority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-697) 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-697)** and sent for concurrence.

SENATE PAPERS

Bill "An Act To Improve Efficiency through Electric Rate Design and Advanced Technology"

(S.P. 726) (L.D. 1896)

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

REFERRED to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 951) (L.D. 1372) Bill "An Act To Increase Broadband Access for Rural Communities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-703)**

(H.P. 1244) (L.D. 1799) Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-704)**

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

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

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

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

Representative **FARRIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, we work hard building relationships around here and I walked in this morning to one of the individuals I'd met my first year here and I didn't get my usual "Good morning, how are you, Representative Farrin?" I got a head turned down, and when I spoke with him, I realized I had let him down. Last Thursday was our recognition of our Vietnam veterans, and Representative Bob Alley, who is a dear friend of mine, was not recognized in the ceremony -- not down in the ceremony, in the welcome center, excuse me. And that was on me, and I wanted to apologize to that, and recognize Bob here with his coin and his plaque and his lapel pin, and say something that I say to every Vietnam veteran that I meet across my travels. Welcome home, Representative Alley. Thank you, Madam Speaker.

On motion of Representative GATTINE of Westbrook, the House adjourned at 12:30 p.m., until 10:00 a.m., Tuesday, April 3, 2018, in honor and lasting tribute to the Honorable Philip E. Curran, of Westbrook; Kurt Allan Rosell, of Belgrade Lakes; Brylee Lucinda Hutchinson, of New Sharon; Shirley M. Bessey, of Knox; Harold B. Swan, of Brewer; and Hilda (Carver) Swan, of Brewer.