

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
32nd Legislative Day
Tuesday, April 10, 2018

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

Prayer by Pastor Richard Grubb, Grace Bible Church, Strong.

National Anthem by Katelyn Ellis, Dixfield.

Pledge of Allegiance.

Doctor of the day, Stephen Sears, M.D., Belgrade.

The Journal of yesterday was read and approved.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Provide Additional Deductions from a Sentence of Imprisonment for Completion of Education, Mental Health Treatment and Substance Abuse Treatment Programs"

(H.P. 973) (L.D. 1415)

Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-719)** in the House on April 5, 2018.

Came from the Senate with the Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 495)

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

April 9, 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 1414, "An Act To Ensure the Availability of In-Person Visitation in County Jails."

This bill would implement a new level of micromanagement onto Maine's county jails by requiring county sheriffs to utilize in-person, contact-visit practices in nearly all jail visit situations, regardless of the Sheriff's ability to provide appropriate staffing or necessary safety and security measures during such visits.

LD 1414 attempts to restrict the recent use of video visitation as the primary method of visitation in Maine's county jails, with the justification that video visitation weakens family ties and bonds. Unfortunately, in-person, contact visits create opportunities for significant safety and security threats within the jail, through the increased chance of trafficking in contraband, weapons, and drugs.

Instead of leaving the authority and decision-making related to staffing, security practices, and day-to-day operations of county jails to those who know it best—our county sheriffs and their administrators, LD 1414 goes too far by dictating how jails will utilize staff, implementing a specific practice through the requirement of certain types of visitation, and restricting local decision-making. Allowing this bill to become law would set the stage for further micromanagement by the Legislature.

Maine's jails already must deal with inmates entering their facilities with significant addictions and mental health issues. They do not need security operations compromised by this bill.

For these reasons, I return LD 1414 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 Ensure the Availability of In-person Visitation in County Jails

(H.P. 972) (L.D. 1414)

(C. "A" H-618)

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. 581V

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

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

ABSENT - Cebra, Guerin, Harvell, Pouliot, Sherman.

Yes, 84; No, 62; Absent, 5; Excused, 0.

84 having voted in the affirmative and 62 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 496)

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

April 9, 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 1795, "An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission."

Under federal law, marijuana is a Schedule 1 controlled substance. As a Schedule 1 drug, the federal government has deemed that marijuana has a high potential for abuse and has no currently accepted medical use in treatment in the United States. In Maine, doctors cannot legally prescribe marijuana to patients, they only "certify" its use. Possession of any amount of marijuana under federal law is a misdemeanor crime. In 2011, I took an oath to support the Constitution of the United States, and I cannot in good conscience support a law that, on its face, violates federal law.

For these reasons, I return LD 1795 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 To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission (EMERGENCY)

(H.P. 1239) (L.D. 1795)

(C. "A" H-650)

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. 582V

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

NAY - Austin S, Black, Campbell, Craig, Dillingham, Espling, Farrin, Fredette, Ginzler, Grignon, Haggan, Hanington, Hanley, Head, Johansen, Kinney M, Lockman,

Lyford, Mason, Ordway, Perkins, Picchiotti, Prescott, Reed, Sanderson, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Wallace, Ward, White, Winsor, Wood.

ABSENT - Cebra, Guerin, Harvell, Sherman.

Yes, 107; No, 40; Absent, 4; Excused, 0.

107 having voted in the affirmative and 40 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED.** Sent for concurrence.

The Following Communication: (S.C. 974)

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 6, 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 1735, "An Act To Authorize Regional Medical Control Committees to Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement."

Under current law, data collected by Maine Emergency Medical Services allows identifying information of persons receiving emergency medical treatment to be released for purposes of research, public health surveillance and linkage with patient electronic medical records. Prior to any release of data, the Director of Emergency Medical Services, the Medical Direction and Practices Board, and the Emergency Medical Services Board must review the data and approve the release of the data. These are essential safeguards to prevent the release of confidential patient information from entering the public domain.

This bill strips away the three-step approval process under current law. Maine Emergency Medical Services would have no way of ensuring that protected, private, patient information would continue to be protected and private. I am very concerned that without adequate safeguards, confidential patient information will be released into the public domain.

For these reasons, I return LD 1735 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage

Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement (EMERGENCY)

(S.P. 634) (L.D. 1735)

(S. "A" S-384 to C. "A" S-383)

In Senate, April 9, 2018, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

33 voted in favor and 0 against, and 33 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

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. 583V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Haggan, Hamann, Handy, Hanington, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, 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, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Hanley, Lyford, Reed, Sanderson, Strom, Sutton, Turner, Wallace.

ABSENT - Cebra, Guerin, Harvell, Sherman.

Yes, 139; No, 8; Absent, 4; Excused, 0.

139 having voted in the affirmative and 8 voted in the negative, with 4 being absent, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

The Following Communication: (H.C. 493)

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

April 10, 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 Committee has voted unanimously to report the following bills out "Ought Not to Pass:"

Judiciary

L.D. 934

An Act To Establish an Expedited Temporary Guardianship Process

L.D. 969

An Act Regarding Nonprobate Transfers on Death

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 975)

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

April 9, 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 Environment and Natural Resources,

- Peter M. SeeHusen of Corinna for reappointment to the Maine Outdoor Heritage Fund Board;

- Jack Witham of Arrowsic for reappointment to the Maine Outdoor Heritage Fund Board.

Upon the recommendation of the Committee on Judiciary,

- Bernard G. O'Mara of Dyer Brook for appointment as an Active Retired Judge of the District Court;

- Andre G. Janelle of Saco for appointment as an Active Retired Judge of the District Court;

- Patricia G. Worth of Belfast for appointment as an Active Retired Judge of the District Court.

Best Regards,

Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 976)

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

April 9, 2018

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

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Energy, Utilities and Technology and Passage to be Engrossed as Amended by Committee Amendment "A" (H-707) on Bill "An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development" (H.P. 1255) (L.D. 1810) in non-concurrence;

Additionally, the Senate today insisted to its previous action whereby (H.P. 1263) L.D. 1821, "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials," was Passed to be Enacted in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

The Following Communication: (S.C. 977)

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

April 9, 2018

Honorable Robert B. Hunt
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on Labor, Commerce, Research and Economic Development and Passage to be Engrossed as Amended by Committee Amendment "A" (H-666) as Amended by Senate Amendment "A" (S-428) on Bill "An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage" (H.P. 1210) (L.D. 1757) in non-concurrence.

Best Regards,

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

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit"

(H.P. 1341) (L.D. 1905)

Sponsored by Representative SYLVESTER of Portland.
(GOVERNOR'S BILL)

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

Representative FECTEAU of Biddeford moved that the Bill be **TABLED** until later in today's session pending **REFERENCE**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **REFERENCE**.

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 Table until later in today's session pending Reference. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 584

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, 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, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Chace, Collings, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M,

Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Cebra, Guerin, Harvell, Pouliot, Sherman.

Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Bill was **TABLED** pending **REFERENCE** and later today assigned.

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

ORDERS

On motion of Representative STANLEY of Medway, the following Joint Order: (H.P. 1340)

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall report out, to the House, legislation directing the Department of Transportation to erect signs for the Katahdin Woods and Waters National Monument.

READ.

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

SPECIAL SENTIMENT CALENDAR

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

In Memory of:

Margaret B. Anderson, of North Yarmouth. Mrs. Anderson and her husband, Robert, worked together for 28 years to build a potato and cattle farm in North Yarmouth. Mr. Anderson died in 1983, but Mrs. Anderson continued to keep the farm working, remaining in the farmhouse for the rest of her life. After she closed down the farm, she worked with her son and a daughter at Anderson Landscaping before she retired. She also was a teacher, longtime 4-H Leader and Sunday school teacher. Mrs. Anderson will be long remembered and sadly missed by her family and friends;

(HLS 1107)

Presented by Representative CHACE of Durham.

Cosponsored by Senator CARSON of Cumberland.

On **OBJECTION** of Representative CHACE of Durham, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **CHACE**: Thank you, Madam Speaker. You know, North Yarmouth has lost two strong, strong people this year, and I would be remiss not to mention that Margaret Anderson is one of the strongest matriarchs in the area. The family is very strong in the community. Margaret Anderson, when I first met her, I was going door to door, and being of the same political party, I walked into her kitchen thinking it would be a nice chat, where I was grilled for about 15 minutes, and at the end of the conversation I said, "Well, Mrs. Anderson, it was very nice meeting you, and I hope I can look for your support," and she just looked me and she goes, "Well, we'll see."

So, Mrs. Anderson was a very strong woman. Her family, they have the Toddy Brook Golf Course in North Yarmouth, which has been a strong community presence. It's been a

place for families to gather, for people to meet to have joyous occasions, and Mrs. Anderson was one of those folks that has a family that is very involved in the community, and it's just so sad that we're going to miss her, and I couldn't, again, miss this occasion to give her honor. So, I thank the House for their time and consideration for Mrs. Anderson. Thank you, Madam Speaker.

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

In Memory of:

the Honorable Jean Dellert, of Gardiner. Born in Massachusetts, Mrs. Dellert received her Bachelor's degree in Liberal Arts from Boston University. She and her husband, David Dellert, and their 3 children moved to Gardiner in 1954. Mrs. Dellert taught girls swimming at the Augusta YMCA for many years and also worked with her husband at the YMCA Camp of Maine in Winthrop as director of the waterfront and director of the crafts program. After retirement she also worked at Camp Forest Acres in Fryeburg. Mrs. Dellert was elected to the 112th and 113th Maine State Legislatures, representing the Gardiner district. Afterwards she served as a City Councilor for Gardiner for many years and was very active in the Boys and Girls Clubs of Kennebec Valley, including serving on the organization's board of directors. Mrs. Dellert will be long remembered and sadly missed by her family, her friends, those whom she mentored as children and teenagers and all those whose lives she touched;

(HLS 1108)

Presented by Representative GRANT of Gardiner.
Cosponsored by Senator BELLOWS of Kennebec.

On **OBJECTION** of Representative GRANT of Gardiner, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Ought to Pass Pursuant to Public Law

Report of the **Joint Standing Committee on Taxation** on Bill "An Act To Improve the Effectiveness of the Major Business Headquarters Expansion Tax Credit"

(S.P. 733) (L.D. 1903)

Reporting **Ought to Pass** pursuant to Public Law 2017, chapter 297, section 3.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

The Bill was **READ ONCE**.

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

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

Divided Report

Majority Report of the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-733)** on Bill "An Act To Implement a Regulatory Structure for Adult Use Marijuana" (EMERGENCY)

(H.P. 1199) (L.D. 1719)

Signed:

Senators:

- KATZ of Kennebec
- DESCHAMBAULT of York
- DION of Cumberland
- MAKER of Washington
- ROSEN of Hancock

Representatives:

- PIERCE of Falmouth
- ACKLEY of Monmouth
- BICKFORD of Auburn
- BLUME of York
- COREY of Windham
- FREY of Bangor
- HANLEY of Pittston
- HARVELL of Farmington
- JORGENSEN of Portland
- MAREAN of Hollis
- MONAGHAN of Cape Elizabeth

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-734)** on same Bill.

Signed:

Representative:

- HICKMAN of Winthrop

READ.

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

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise today to speak in favor of LD 1719 and ask you to join me in supporting the pending motion. The Joint Select Committee on Marijuana Legalization Implementation was formed to implement the will of the Maine voters by developing a regulatory structure for the adult use marijuana industry for our state.

In the fall, after LD 1650 failed, we went back to the drawing board. Over the past six months, the Committee has renewed its commitment to achieving a regulatory framework that, one, promotes health, safety, and the well-being of Maine residents, protects our youth, supports safe communities, and adequately manages risk in this market. To achieve these goals, our Committee, which is composed of Democrats, Republicans, and an Independent, worked with a range of stakeholders who have continued to bring rich diversity of perspectives to the process. Our legislative colleagues and their constituents weighed in. We heard from them. We redoubled our efforts to bring you the best bill possible, one that respects the will of the voters, protects the people of Maine, and addresses the concerns our colleagues and the people from around the state represented and brought to us. LD 1719 is that bill.

LD 1719 embraces local control, allowing municipalities to set licensing standards, locational restrictions, and a cap on the number of facilities, and even to temporarily outright ban adult-use marijuana facilities within their towns should they choose. The bill prevents diversion from the legal market with stringent tracking requirements. It includes provisions to provide law enforcement with the tools and training that will tell us what they need to keep our roads and communities safe. LD 1719 protects public health with strict advertisement guidelines, packaging requirements, and labeling standards, and it also provides for awareness and education to protect our children.

Under LD 1719, the Department of Administration and Financial Services will serve as the oversight and the licensing agency for the adult-use market. This measure positions the Department to work in consultation with the Departments of Agriculture and Conservation and Forestry, Labor, and Public Safety, and for the purposes of rulemaking and regulation. The bill also provides for ongoing efforts to study and improve our marijuana laws through a 15-member advisory committee. By remaining at the table, we continue to work collaboratively as we -- that we have brought to us the point of consideration for this bill. We worked hard to compromise and find common ground. I'm proud of the work of the Committee and --

The SPEAKER: The Representative will defer. The House will be in order. As I remind everyone, every day, while a member is speaking, if you have a conversation, please take it outside of the Chamber. The member may proceed.

Representative **PIERCE**: Thank you. We worked hard to find compromise and common ground, and I'm proud of the commitment that all members of our Committee had, and so many others have shown, in order to reach this point. Our town officials, our local businesses, our parents, our families, our communities that each of us represent are all asking us to put a reasonable, highly-structured regulatory system in place for the adult-use marijuana industry in our state. They recognize the status quo just isn't what we should be doing. We can answer their calls for a thoughtful, responsible approach to regulating the adult-use marijuana industry by passing LD 1719. Please join me in supporting this motion. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, I want to thank the Committee for their work on this issue over the past year and a half. It certainly is a complicated issue. Complicated by, in fact, federal law; federal law which says that marijuana is an illegal substance. For that reason, I can't support the pending legislation, even though I recognize that it certainly is an improvement over the language that was passed in the referendum.

Over the last year and a half, this body spent considerable amount of time dealing with referendum issues, which certainly have complicated the work that we do here in this body. Marijuana is no different. Quite frankly, we're on the cutting edge of this issue nationwide, with a number of -- a very small number of states which have enacted legislation to support it. However, I will bring to the body's attention, just yesterday, my understanding is, is that a bill to allow banking for marijuana facilities to bank at credit unions was sustained in the other body, so we don't even have the ability to have a banking system for this issue. So, it just seems to me that we're just getting a little bit ahead of ourselves here as this thing starts to unfold. I think there's a part of this that certainly needs to be

addressed at the federal issue -- at the federal level. And I suspect that that will come, but I think at this juncture and at this date, while I think this piece of particular legislation is an improvement over the referendum language that was passed, I, as a lawyer, recognize the supremacy clause in the federal constitution that says if it's inter-germane in the jurisdiction of the federal body and they have ruled upon that, then they are, in fact, supreme on this. And I don't believe I need to remind the body that, roughly two weeks ago, that there was a significant arrest, or I'm going to use arrest, plural, arrests, in Turner, where large amounts of marijuana, money, and Lamborghinis were confiscated. And, in fact, in recognition of the revocation of the Cole Amendment by the Trump Administration.

So, I think, while we look to do good work, we do have to recognize that we don't operate in a bubble, even though, quite frankly, Augusta is probably a bubble. But we do operate within a federal system as well, and so long as we have federal language and federal jurisdiction and supremacy over this issue, which recognizes marijuana as an illegal substance, I cannot support the pending bill, and I ask that you follow my light.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker, Friends of the House. I rise to support the motion.

This bill sends a message that the long wait for the implementation of the legalization of marijuana has been long enough. My hope is that every member in this body can go home at the end of this session with the ability to tell the voters in each of our districts that we finished the job that they started in November of 2016. Madam Speaker, this bill reflects the candid common sense that the people of Maine expect from us. The reality is that our current legal Never-Never Land, where possession is legal but sales are not, this reality allows a thriving illicit supply that knows no bounds, especially with regard to Maine's kids. This gray market does not card kids, it has no restriction on advertising to kids, and it has no limits on packaging that kids might find attractive. The bill in front of us changes the game. The bill in front of us fulfills the principles and promises of the citizens' initiative, and it closes loopholes that will bring an end, a gradual end, to the illicit marijuana marketplace that looks at Maine kids as potential customers.

For our law enforcement officials, it makes the law clear, it makes it fair, and it makes it more enforceable and therefore less costly to taxpayers. It opens the marketplace to small producers who have shown a commitment to Maine. It relies on market-based principles of supply and demand, and encourages efficiency in this new market.

This bill was created by a large Committee that talked the talk and walked the walk of nonpartisanship, of collaboration, and commitment to the search for agreement. This Committee was certainly composed of folks who come from different, very different perspectives, and so, my thanks to the Committee who served with me.

Madam Speaker, I'm hopeful that we can all go home at the end of this session and be able to say to our constituents that we wrestled with some hard questions on legalizing adult-use marijuana, and that this was a job well done, and that we are taking these steps to protect Maine kids. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Mearan.

Representative **MAREAN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the

pending motion. This probably has been one of the most difficult things that I've ever taken in all of my years here at the State House. I was drafted for this Committee, I did not volunteer for it. I dreaded the job ahead. We struggled through it, we failed last session, we didn't accomplish everything that folks wanted us to accomplish. I believe we've accomplished well over 90% of the issues in this bill. Will we have to tweak it going forward? We probably will. But this bill will regulate adult marijuana. When I went on the Committee, I represented the 49.8% of the people who voted against marijuana. I am against marijuana; I probably will not change my mind. My job was to find a way to regulate it. I believe this bill does that, and I ask you for your support. Thank you.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I wondered if I might pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **SIROCKI**: Thank you. I'm curious about local control with regard to this proposal, and wondered if someone might be able to tell me, regarding the number of plants that have been reduced from six to three, if that is a per-person count or if that is a per-parcel of land count; and then, as a local control question, if a community opts in and allows marijuana in their municipality, would they be able to then limit the number of plants? Thank you.

The SPEAKER: The Representative from Scarborough has posed a question if there is anyone who may answer it. The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker. With regard to the three-plant count, that has been lowered, and it stays with the person, it doesn't follow the parcel. We reduced it from six to three, but the plants stay with the person. Landlords certainly have the opportunity to regulate their property. With the opt-in, and forgive me if I'm forgetting the exact question, but communities certainly have the right to decide how their communities will participate in this market at all levels, from growing to retail sales.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House. It was an honor to serve on this Committee. I stand and I rise in support of protecting liberty and administering justice in the implementation and enforcement of the Marijuana Legalization Act.

I rise in support of small businesses, small cultivators, craft cooperatives of all sizes. I rise in support of municipalities being able to make themselves whole should they choose to do this, by giving them options to tax their citizens appropriately if they choose so, or to put forth municipal impact fees if they choose to do so. I stand in support of criminal justice reform. I stand in support of social justice reform. I stand in support of restorative justice reform. I stand in support of patient privacy. I stand in support of consumer privacy. But mostly, I stand in support of children, the children who need medical marijuana in order to have their lives saved. I stand in support of those children, parents of whom told us that they could not see a medical program moving over into the Department of Administrative and Financial Services, which knows nothing about medicinal marijuana. And, because I stand in support of all of those things and many more, I stand in opposition to the pending motion. And, Madam Speaker, I request a roll call.

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

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

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Madam Speaker, Men and Women of the House, I rise in support of the pending motion.

LD 1719 represents painstaking compromise, many hours of focused listening on the Committee's behalf and a strong desire to do the right thing for Maine's people. Nobody got everything they wanted in this bill, and frankly, that was the job of this Committee, to create an adult-use marijuana market that almost every stakeholder in Maine, whether you are for or against legal weed, could live with.

I opposed this bill on the last pass because the taxes were too low to cover the costs that would've required taxpayers who were not recreational drug users to foot the bill at the outset of the program. The original bill measured cultivation in a manner that ignored basic plant ecology and would've created a regulatory nightmare for inspectors, the agency of oversight, and forecasters. It also allowed for coexistence of recreational and medical marijuana in the retail space, leading to what I believe sends the wrong message to our children about the difference between party and healing drugs.

I'm happy to report that the Committee did laborious work in these areas, that there was no wholesale adoption of my or anyone's concerns in this Committee bill, rather, intense discussion surrounding ongoing concerns and resulting policy changes that will create a better marketplace in the current situation. Friends, are we ready to take a step in the next direction or a next step forward, for rulemaking to commence, and the next Legislature to approve those rules? Having spent the last two sessions with a committed group of colleagues facing an extremely difficult task, I can say that, while we are a very small state with limited resources, we will have the best adult-use marijuana law in the country.

With respect to the Representative from Newport, what happened in Turner and Lewiston was the result of marijuana being legal with no legal place to purchase it. The illegal market will be diminished under this law. Thank you.

The SPEAKER: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Request permission to ask a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **ACKLEY**: Could someone tell me what -- in this bill, what legislative Committee will be the oversight Committee for the medical marijuana program?

The SPEAKER: The Representative from Monmouth has posed a question through the Chair to anyone who might be able to answer. The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you. That would be the Department of Health and Human Services.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Yesterday I had an opportunity to visit one of our premier drug treatment facilities in the State of Maine. I talked to two individuals that, in fact, were -- had been addicted to drugs and that were now clean. It's inspiring to hear their story, but also the realization that they were in a very bad place at one point in time in their life. So, it

begs the question, from my perspective, given the constitutionality of the federal law, if the citizens were to do a referendum to legalize heroin, do we then have an obligation to make the heroin law a better law?

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I did not support legalizing marijuana. I still think that, as a state, we will regret legalizing marijuana. In the fall, we had an opportunity to vote on a bill, and I felt that it was trading one bad bill for another bad bill. What we have before us today is what I believe a much better bill, and as long as the feds take no real action to enforce federal law, I support making this as strong as possible. I have young adults at home -- well, one's at college, but two college-aged children, I have a high school child. I need this to be as strict and stringent as possible. I need real protections in this for my family, and I think Mainers are asking for that. Whether or not marijuana is legal is -- it's been passed. I do think the feds have a role in this in enforcing federal law, and until they're able to do that or willing to do that, I think we're really stuck in a hard place. But as long as it is determined to be legal, we need to make it as strict as possible for the protection of Maine families, so I support the measure before us today. I think it is a much better product coming out of the Committee. I'm happy with the work that was done in Committee, and I realize this will be a work in progress going forward, but let's get us off on good footing with this measure before us today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I know how hard the Committee worked on this bill, and it's with great regret that I stand and say I cannot support it the way that it's written. I am a proponent of legalized marijuana and I think that, although they have worked very hard, I also took a no new taxes pledge. I think the amount of excise taxes on this bill is far too high, and unfortunately, I think what that will do is bring in many, many large, very wealthy, industrial marijuana growers, and I think that it will just absolutely crowd out the smallest growers in the state, our own citizens who have been here; and I also have great fear of putting this into DAFS will hurt our medical marijuana program, and for that reason, I'm sorry, I can't support this.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, there's a four-year residency requirement on this bill. We changed it from three to four. For those that are concerned that out-of-state money is going to come to Maine, that will put that down. And, furthermore, with municipalities, municipalities have the ability to regulate the number of marijuana plants per parcel, so long as each individual that's domiciled there is able to have three plants. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. One of the biggest concerns that I have had about the legalization of adult use for cannabis was how that would have an effect on the medical cannabis program. For eight years, I've worked very hard to protect that program, strengthen that program, because the medical program is all about patients and patient access.

You've heard a couple things about DAFS today and how that relates to the medical program, and I'd like to share with you some of my concerns with how the conversations went, and I would hope that after my -- this speak today and have it be public record, that continuing Legislatures would continue to make sure there is that slight separation.

We did an overhaul of the medical cannabis statute in the HHS committee this year, and we recognized that there was going to be some influence with the adult-use legalization and how the MLI Committee handled that. We've also acquiesced that now is the time to bring in processors, manufacturers, make sure the labs were in place, to make sure that, not only on the medical side but also the adult use side, that people who are accessing cannabis are accessing safe, clean cannabis; cannabis that is not tainted with mold, pesticides, or you name it.

When it comes to the DAFS program, moving some parts under DAFS, it makes sense to have that top piece, the administrative oversight, who is going to be both licensing and regulating these labs, these processors, these manufacturers, who are going to be working for both the adult program and the medical program alike, under one area of State Government, so it is consistent across the board. The HHS Committee, we went as the HHS Committee as this was being discussed in the MLI Committee, we went down and we expressed that that piece is okay, with the same caveat that, no matter where the medical cannabis program lands, the HHS Committee retains oversight of that, because it truly is a medical program. It truly is about physicians certifying cannabis for medical use for people who are very sick. It truly is about people who are truly sick needing a clean, safe access to a medicine that many people rely on, because they have not had good luck with the standard pharmaceutical program. So, although I still have some reservations about the whole DAFS piece, with the assurance of the MLI committee and also the real, firm intent and communication from the HHS committee to the MLI Committee, I'm okay with having that move under there, because I know this will stay with the Health and Human Services Committee, and that's exactly where it should stay.

So, I mean, by standing up and speaking today, I'm hoping that future Legislatures will honor that intent of the medical cannabis program, and although pieces at the top which relate to both can be consolidated, keep the adult use in one side and the medical cannabis part in another side. Thank you.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I don't think you'd have to research my history too far to find out I don't like marijuana at all. I don't support it. But, I rise in support of the pending motion because, one way or the other, when we leave here today, marijuana will be the law of the land. We've been given a lemon, and we can either have the lemon for lunch or a drink of juice, we can make lemonade, and we've made lemonade. It isn't the best, but we do what we can, so I would suggest that you follow my light and have a nice drink. 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. 585

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bates, Battle, Berry, Bickford, Blume, Bradstreet, Campbell, Cardone, Chace, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Haggan, Handy, Hanington, Hanley, Harrington, Hawke, Head, Herbig, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stearns, Stetkis, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Bailey, Beebe-Center, Black, Brooks, Bryant, Casas, Chapman, Collings, Doore, Fredette, Hamann, Harlow, Hickman, Johansen, Lockman, Longstaff, Lyford, McElwee, O'Connor, Parker, Reed, Riley, Rykerson, Stanley, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Wadsworth, Wallace, Ward, Warren, White.

ABSENT - Cebra, Grohman, Guerin, Harvell, Sherman.
Yes, 112; No, 34; Absent, 5; Excused, 0.

112 having voted in the affirmative and 34 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-733)** 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-733)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-732)** on Bill "An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants"

(H.P. 880) (L.D. 1268)

Signed:

Senators:

- ROSEN of Hancock
- CYRWAY of Kennebec
- DIAMOND of Cumberland

Representatives:

- WARREN of Hallowell
- COREY of Windham
- GROHMAN of Biddeford
- HERRICK of Paris
- LONGSTAFF of Waterville
- MAREAN of Hollis
- NADEAU of Winslow
- RECKITT of South Portland
- TALBOT ROSS of Portland

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

Signed:

Representative:

GERRISH of Lebanon

READ.

On motion of Representative WARREN of Hallowell, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** 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. 257) (L.D. 812) Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-444)**

(S.P. 718) (L.D. 1875) Bill "An Act To Amend the Maine Life and Health Insurance Guaranty Association Act" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-442)**

(H.P. 1228) (L.D. 1783) Bill "An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-736)**

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

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

(S.P. 706) (L.D. 1859) Bill "An Act To Include Operating a Motor Vehicle in a Parking Area in the Law Regarding Operating after Habitual Offender Revocation" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

On motion of Representative MARTIN of Eagle Lake, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

(S.P. 635) (L.D. 1736) Bill "An Act To Broaden Educational Opportunities for Members of the Maine National Guard" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-445)**

On motion of Representative LUCHINI of Ellsworth, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

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

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (12) Ought to Pass as Amended by Committee Amendment "B" (H-572) - Minority (1) Ought Not to Pass - Committee on VETERANS AND LEGAL AFFAIRS on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(H.P. 32) (L.D. 31)

TABLED - January 25, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

Representative HERBIG of Belfast **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 New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This was a bill that I had sponsored at the beginning of this Legislature, and it was actually a compromise that had come out of the VLA Committee before, in the past. I think it's had great support on both sides of the aisle, and it was the work of the Committee, really, that was brought forth again when I put it in for the 128th. I hope that you'll support it. It's really not about any specific ballot question. It more speaks to the process, and I do think it's important for us to look at the process, to make sure that the process is fair for everyone in the State of Maine, that everyone in the state has the opportunity to have a say in this process. And, in talking about the referendum process, I've been very clear. I think it's a good, valid process brought forward for Maine people. I think that, over time, we've kind of strayed from that in some of the ballot questions that we've seen, but this is not --

The **SPEAKER**: The Representative will defer. A reminder to the House; this House is in order. So, over and over, I have to interrupt members while they're speaking to remind others that the House is in order. For the future, we'll have the Sergeant at Arms come remind members individually. The Representative may proceed.

Representative **ESPLING**: Thank you, Madam Speaker. So, while this isn't about any one ballot question specifically, I do think it's important that we, as a body, pass this out, allow it to go on the ballot. Remember, it's a constitutional change, so the people do have to agree to it. I think it's important that we allow this to go out to the people so that they can have an opportunity to chime in on what could be a change to their process, the process that is enshrined in the constitution for them to use. I do think it is a valid process, but needing some changes. I think it's important that we send this out to the people so that they can have a voice on how they would like to see their process potentially changed. Thank you, Madam Speaker.

The **SPEAKER**: The pending question is acceptance of the Majority Ought to Pass as Amended Report. A roll call is in order. The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, I've had a chance to think on this measure and, Friends of the House as well, I will not be supporting the motion today.

I've heard a lot about outside dark money that is part of the citizens' initiative process, and although it is true that big money interests have come to Maine to try to pull the wool over the eyes of Maine voters, you can't bamboozle them. I believe that Maine voters know the difference between the policies that they want and the ones that are a bit iffy. If that were not true, Madam Speaker, Shady Shawn would have his casino right now, we'd have Bloomberg's universal background check program, and PETA would have made it illegal to bait bears. What I hear from voters today is not that there are too many referendum questions or that they're unfair, but that their patience for government inaction is wearing thin. How many years did we debate minimum wage, ranked-choice voting, the legalization of marijuana, and the all-time winner, which I believe went into last century, 55% of educational funding? We shouldn't be surprised that, when a Legislature doesn't act, does not act, that the Maine people take matters into their own hands with the citizens' initiative. The citizens' initiative is a fundamental check and balance built into our state constitution that prevents a tyranny created by a paralysis of government. It's a provision, actually, that we should be proud of. The frustration that I hear from the electorate today, Madam Speaker, is not that it is too easy for citizens to exercise their constitutional right to petition their government, what I hear is that State Government is too slow in response to the needs of our state.

Madam Speaker, as Thomas Friedman notes, we live in the age of acceleration, where changes happen with the speed of keystrokes. The message that comes from all of these referendum questions, the quantity of them, is not that we need to jam a cork and somehow make it more difficult for referendum questions, but instead that citizens want a State Government that moves at the pace of modern business in responding to the needs of its citizens. Thank you, Madam Speaker.

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

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. How does a bill become law? You'd think, by now, I would know that; but it happens in steps. In here, a bill can come from a legislator with no geographical consideration whatsoever. Right now, a referendum can be initiated from any part of the state, with no geographical representation whatsoever, no consideration. And there's the last step, where we in here may vote on a bill or the public votes on a bill and, again, it's collective, there is no geographical representation or consideration. What's missing in the referendum process is that middle step. In here, we have geographic representation on our Committees; we can amend on the floor. That does not exist in a referendum. It's a yes or no legislation, often badly written, that has never undergone a legislative process, never been given a chance at geographic consideration. This has been a long-standing problem. It has been getting worse as the referendum process has been, maybe, hijacked more often, but it's always been there. I think there was a lot of energy from some of the sporting communities because they thought that the situation

involving bears was being decided by people who weren't near any bears. But, it's always been there. In the '90s, it was forestry. After that, it was taxation, the taxpayer bill of rights when northern Maine was making an effort to tell the rest of the state how to do taxes. So, it's always been there without this geographic representation.

The truth is, so long as there is no way to work these bills, there will be a perception that one part of Maine is imposing its will on another part. And, unless we recognize that views can regionally differ across the state, we're going to be setting up this feeling in certain parts of the state, that they're being railroaded by other parts of the state. That's not necessary. I think this amendment looks to get at that issue. This isn't much of a tool to grab some change in the geographic balance, but it's the least we can do. Literally, Madam Speaker, it is the very least we can do, and I do advocate doing it. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. I rise today in support of the pending motion and the motion made by my friend from Ellsworth.

This past fall, I conducted a constituent survey and actually asked what -- the essence of the question before us today, and the response to my survey in my coastal Washington County district was 68-69% in favor of supporting this very question before us today, in bringing this forward. So, I definitely think that mirrors what I've seen and heard knocking on doors and visiting coffee shops and talking with people down home; they're really frustrated. And, whether they're frustrated at the process or the inactivity, I think, by and large, people down home in coastal Washington County want to see some reforms made, some checks and balances put into the process that we have. So, I will be supporting the motion before us today. Thank you, Madam Speaker.

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

Representative **CASÁS**: Thank you, Madam Speaker. So, I was on the Committee that heard this and many other bills aimed at the initiative and referendum process. I'm a very strong supporter of the citizens' initiative process. I just kind of wanted to briefly touch on the fact that, you know, in the Committee, we had a string of bills that came in. A lot of them were aimed at the direct initiative. Some of them were quite extreme, some of them placed even stronger safeguards around it. One of the things that I think colored my vision, I won't speak for any of the other Committee members, was this seemed like the most reasonable of all of the -- as far as a compromise is considered, of all the different bills that we had heard in Committee. I think that's why it got as strong of a report out of Committee as it did. We worked very hard to try to compromise out some of the measures that were aimed in a bit more of an extreme fashion at the direct initiative, and we all kind of settled on this is a healthy safeguard that was good at finding that delicate balance. So, I just kind of wanted to offer that perspective: of multiple bills being heard in sequence, this one still seems extremely reasonable. Thank you.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to this amendment, for a self-evident rule, principle, which is that referendums are adopted or rejected on a statewide basis. So it -- in the end, it really doesn't matter where the signatures came from. I assume that people who want to create this kind of requirement are moving on the basis that they assume it is

harder to defeat a referendum than adopt one. Well, that, I think, is -- there's no basis for thinking that; in some cases it is, in some cases it isn't.

The SPEAKER: The Representative will defer. The Chair will remind the Representative not to question the motives of members regarding the bill being debated.

The Chair reminded Representative COOPER of Yarmouth that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may proceed.

Representative **COOPER**: Thank you, Madam Speaker, for reminding me of that, and I certainly didn't mean to impugn any motives.

If we pass this referendum, we really have to make a review of all situations where candidates, for example, for Maine clean elections, statewide candidates such as governor's candidates, would have to go through the same process of getting equal numbers of signatures from the northern part of the state and the southern part of the state, and I'm sure there are other situations as well. But, as I said, in the end, it doesn't matter. What matters is the final tally, and we are all Mainers in the end and each vote counts the same. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker, Men and Women of the House. I just would suggest that regional representation, as we have in the Electoral College, for instance, is there because states preceded the national government. I don't think there's the need for us to introduce regional representation here in the State of Maine. When we talk about two Maines, I don't think the difference is between Biddeford and Bangor, I don't think it's between Lebanon and Lubec or Acton and Ashland. It happens to be more urban and rural, and that exists within CD 1 and within CD 2. I think that we are unequal in education, income, and life experience, but we are not unequal before the law. Each of our Mainers' votes are equal, and our signatures on a petition are, too. The present law values the signatures of 10% of those that voted in the last gubernatorial election equally, and I think that's the way it should be. 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. 586

YEA - Alley, Austin B, Austin S, Bickford, Black, Bradstreet, Bryant, Campbell, Casas, Chace, Corey, Craig, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farrin, Fay, Foley, Fredette, Fuller, Gerrish, Gillway, Ginzler, Golden, Grignon, Grohman, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lawrence, Lockman, Luchini, Lyford, Madigan J, Malaby, Marean, Martin R, Mason, McCrea, McElwee, Nadeau, O'Connor, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Riley, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood, Zeigler.

NAY - Ackley, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Farnsworth, Fecteau, Frey, Gattine, Grant, Hamann, Handy, Harlow, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff,

Madigan C, Martin J, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Pierce T, Reckitt, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Madam Speaker.

ABSENT - Cebra, Guerin, Harvell, Sherman.
Yes, 92; No, 55; Absent, 4; Excused, 0.

92 having voted in the affirmative and 55 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "B" (H-572)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-572)** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-628)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Lead Abatement in Older Residential Properties"

(H.P. 1063) (L.D. 1542)

TABLED - March 6, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-628)** 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-628)** and sent for concurrence.

An Act To Prohibit Gross Metering

(S.P. 499) (L.D. 1444)
(C. "A" S-359)

- In House, House **RECONSIDERED** its former action whereby the **VETO WAS SUSTAINED** on April 5, 2018.

TABLED - April 5, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, today is our last chance in this Legislature to be on the right side of history. It is our last chance to keep some small measure of power in the hands of the people of Maine. The bed each of us makes for ourselves today is the bed each of us will lie in. Between today and next January, there will be no second chance for us. Today we vote to give Maine people a small piece of their own power, or to let Central Maine Power keep all of it. We vote to reduce costs to all ratepayers imposed by an insane anti-solar PUC rule, or to allow all of our electricity rates to go up, to the sole benefit of one company's international investors, whether

we intend that way or not. We vote, Madam Speaker, to prevent CMP from taxing the power we make and use in our own home, never touching their grid, which we pay for, or we vote to allow that. We can vote to become the first place in the world to essentially tax self-generation, or we can choose not to. Today we vote for jobs, for lower electricity rates, and for the right to self-generate; or to allow a new PUC rule to line the pockets of investors who do not live in Maine and whose only interest in our state is to see how much money they can milk from Maine people, from Maine workers, and from Maine businesses.

And, Madam Speaker, let me be very clear. I do not fault Central Maine Power's management for seeking to maximize their profits at our expense. It is their job. It is their fiduciary responsibility. But, Madam Speaker, it is our responsibility to look out for the people of Maine, the customers and workers of the for-profit monopolies we are sworn to regulate. Madam Speaker, I know how this vote will go today. I have no illusions; but, I also know that the people of Maine, once again, are far ahead of the politicians. They want their power to be theirs, not CMP's. They want jobs and lower costs and a proactive response to climate change, not runaway corporate profits at all costs.

A great man, George Mitchell, once told me the secret to his success was very simple: trust the people. And, as I take this vote today, I absolutely trust the people. If the vote we take today takes power away from the people of Maine, the people will take that power back. It's happened already in other states, and it will happen here, too.

In South Carolina, hardly a bastion of liberalism, a law was recently enacted to lift a cap on solar. Madam Speaker, South Carolina already has twice as much solar deployed per capita as Maine does, and the Republican majority there has just voted to go forward faster. They learned the hard way to trust the people.

In Nevada, a Republican governor recently signed into law one of the most pro-solar laws the nation knows. Among other things, Nevada's law enshrines in statute the right to self-generate. In other words, Madam Speaker, Nevada has now strengthened the very right that a 'no' vote today would take away from Maine people. Nevada politicians also learned the hard way to trust the people.

Madam Speaker, I don't know if I'll be here next January. None of us does, except those who know we won't be. Not even the Representative from Eagle Lake knows for sure. But I do know this issue will be back, and as in South Carolina, as in Nevada, as in every other state that took two steps forward and then ten giant leaps ahead, solar will be back with a vengeance.

Madam Speaker, today we will decide on the fate of this bill, and if this bill fails, there will be consequences. Maine businesses and workers and their families depend on the decision we take today, but we will not decide on our state's energy future. That decision still lies in the hands of Maine people. Today we can give the power to Maine people, or to Central Maine Power. We can listen to the folks back home, or we can listen to the fellow waiting outside in the hallway. I urge all of us to make the right choice today, not only because an entire construction season is at stake, Madam Speaker; because if we do not make the right choice today, the people of Maine will more surely make that choice for us. They will make that choice just as surely as the people of South Carolina and Nevada and other states have already made it. So, today we will speak and vote, and this evening's sun will go down. But, as surely as the sun will rise again tomorrow, Maine

people will take back their power, their jobs, and their future if they deem it necessary; and, Madam Speaker, on that day the sun will shine on all of us, and we will be judged, and will judge ourselves. I hope today that all my friends in this chamber will consider which side of history, which side of posterity, which side of tomorrow's beautiful and revealing sunshine that we choose to be on. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Here we are, again. I'm so surprised.

So, I've heard a few things when we talk about net metering. Net metering is voluntary. You can still offset your own load without being a net metering customer and without the need of two meters. This, however, is not popular with solar supporters or with NRCM, because they want rooftop installers to oversize their generation so they can make more money for themselves on the backs of the ratepayers. Imagine that. It is also very difficult to imagine that this bill is not a tax, when, for decades, solar customers have avoided millions of dollars to pay for their fair share of the costs of the grid. For example, if all 3,000 net metering customers didn't take or sell power to the grid for 30 days, but on day 31 decided they needed the grid for 100% of their needs, it would be paid for by non-solar customers. If we installed solar or built community solar projects, as contemplated in LD 1444, in just Maine's 100 largest municipalities, it would average \$42 million per municipality. That would be \$4.2 billion. You would need about 20 acres per municipality. That's a lot of land. This picture is to create just 1% more generation in grid electricity for Maine. Also, when we talk about other states and what they've done, indeed, Nevada did put their net metering policy back into action. They have a lot more sunshine in Nevada; however, their customers are rewarded 95% of the retail rate. This bill asks for 16.3 cents, which is twice the rate. Also, the Massachusetts net metering policy in their task force final report to the Legislature on April 30, 2015, is what led the stepdown for solar incentives in Massachusetts. They determined, in that policy and that study, that the cost from solar customers shifted to non-solar customers would be anywhere, in six years, 2014 to 2020, anywhere between 2.5 and 4 billion dollars.

We've heard a lot today, and I am urging you, please, do not pass this bill. I also remind you that what was enacted by the -- talked about by the PUC in their rule change saved electric ratepayers anywhere from, depending on the time length, anywhere from \$300,000 to a million dollars. That's headed in the right direction. This bill is not headed in the right direction. I also remind you that the PUC granted a large industrial solar array 3.4 cents a kilowatt hour. That is a far cry from 16.3 cents. Thank you, Madam Speaker.

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

Representative **SANBORN**: Thank you, Madam Speaker. I'm sorry to rise again to debate this again today. However, I have to just say, again, that this bill, if we do not override the veto, will -- if we do not override the veto today, we will be costing ratepayers money. This is not based on speculation or studies about the value of solar. It's based on simple arithmetic. The cost to install the meters, which CMP will pass along to all ratepayers, will far outweigh the fees that the meters were designed to collect from solar customers. Thank you.

The SPEAKER: The Chair recognizes the Representative

from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. I rise, sadly, again, to talk about this issue. I support the veto of this legislation. I am -- you know, there will be consequences, that's true, and the consequences will be the energy policy that this state is building, and that policy is going to punish the 99. I know I talked about that earlier, and that arithmetic doesn't change, either, that the people that can afford it the least will be burdened again. And the question is, is which straw will break the camel's back? So, for the individual citizen there's a question but also for the attitude we send toward the rest of the nation. We're trying to get -- we're always talking about energy policy and drawing investment here, and your energy prices keep getting higher. And this type of legislation drives that. I would ask you, we've had one bite at this apple. I would ask you to follow my light and again uphold this veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, there's been a lot of confusion around the two meters. In my neck of the woods, net metering customers have always had two meters, and the cost has always been borne by the ratepayers.

I drove by three arrays on the way up here this morning. They're all legacy net metering customers, and all three homes had two meters. No one complained about the two meters then. In the PUC's analysis of gross metering, their analysis shows ratepayer savings of up to \$1 million over the next four years, even with keeping the additional meter. It's time to stand for our poorer constituents. It's time for rooftop solar to pay their fair share, and it's time for this body to sustain this veto.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Riley.

Representative **RILEY**: Thank you, Madam Speaker. I, too, am sorry to have to rise again to speak once again on this issue. But I feel like the issue is very confusing, and a lot of different viewpoints have created a lot more confusion, and I thought I'd throw mine in just to make sure that it was heard.

T&D costs are what we're talking about. That's transmission and distribution, and that's the part of your bill that you pay actually to CMP or to Emera Maine. That's the part of the bill -- the part of the charge that will be stepped down regardless of what we do today. Over the next ten years, that charge will go to -- that credit will go to zero for all net energy billing customers by -- I think it's 2026, at a -- it's a rate of 10% a year that's knocked off. So, whether we vote this in or we don't vote this in, that credit goes away for all net energy billing customers. The cost of delivering electricity to your house is the cost of poles and wires and other hardware, and that amount is relatively fixed, and it does not matter whether you have a million customers or 500,000 customers, the cost isn't going to change appreciably. So, keeping those net energy billing customers on the grid benefits all of us. The cost of batteries is going down, and as that becomes more attractive, people will be more inclined to go off the grid with their solar arrays, and then you get to pay all of their part, not a percentage of it, for the T&D costs.

The other thing is, is that the meters themselves are frightfully expensive. They're a very high quality and they're tested extensively, so they cost, I'm told it's around \$1,000. CMP makes their money by putting meters on your house. They used to have to put two meters on for net energy billing customers because there were -- they were not able, with their

billing system, to subtract. So, we've spent millions of dollars, which we are paying for so that they've upgraded their system, and it can now do math. It can subtract. It's a delightful upgrade, but with the new gross metering provision that we are trying to roll back with this bill, they are still going to have to put two meters in for every net energy billing customer, and they will still make money off of that, shifting the cost once again back to non-solar customers. I think that's wrong. I don't think CMP needs, and other utilities need, to make money off of having a second meter in place that they do not need, particularly since what you're trying to achieve in rolling back that credit is going to be rolled back regardless of whether or not we have that second meter in place.

The other piece of this that I had heard was the concern about customers making money off of solar. That cannot happen. Customers with net energy billing are given a credit, a bill credit, and if they don't offset that with energy use within 12 months, that credit is crossed off the books and CMP gets to keep it. So, they cannot be paid, they never get a check cut, and they cannot carry that indefinitely. 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. 587V

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

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

ABSENT - Bickford, Cebra, Guerin, Harvell, Sherman.

Yes, 96; No, 50; Absent, 5; Excused, 0.

96 having voted in the affirmative and 50 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities (EMERGENCY)

(H.P. 1209) (L.D. 1756)

(C. "A" H-577)

TABLED - February 15, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 20 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-738)** on Resolve, To Ensure the Continued Provision of Services to Maine Children and Families (EMERGENCY)

(H.P. 1307) (L.D. 1874)

Signed:

Senators:

BRAKEY of Androscoggin

CHIPMAN of Cumberland

HAMPER of Oxford

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 Resolve.

Signed:

Representative:

SANDERSON of Chelsea

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-738)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-738)** 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-737)** on Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services

(H.P. 1191) (L.D. 1711)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

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 Resolve.

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

CHACE of Durham

SANDERSON of Chelsea

READ.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-737)** was **READ** by the Clerk.

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

Representative **GATTINE**: Thank you, Madam Speaker, Women and Men of the House. When it comes to the opioid crisis, I don't need to recite for you statistics that we hear about every day. We know the number of overdose deaths in 2017 set another record; 418 Mainers died, more than one each day. The number of infants born drug-affected is a shocking 8%, and that number has grown fivefold between 2016 -- I'm sorry, between 2006 and 2016. Emergency room visits related to overdose increased by 34% in just the past year. This number went down in other New England states, but again, here in Maine it went up 34%. The stress this crisis is putting on treatment resources, and on law enforcement, and on every aspect of our social fabric, is apparent. Just ask a police officer, or a county sheriff, or a doctor, or a nurse practitioner, or even a teacher or a local business owner in your own town. And, I know that each and every member of this body, Madam Speaker, understands the severity of this crisis and is, I hope, committed to finding a path out of the abyss. We haven't found our way out yet, although we've done some good things. As policymakers, we need to do more. We haven't done enough, and I know a lot of Mainers agree.

I brought this bill forward because, even though this opioid crisis impacts people across the economic spectrum, just like any other crisis in health care, it has unique and particularly devastating impacts on Mainers who are already very vulnerable and at-risk. And, among those who are suffering

the most are Maine's homeless people. We hear this from social workers, medical treatment providers, law enforcement, and most importantly, from the people themselves who suffer because of this terrible disease. They tell us in no uncertain terms how the battle is being lost with respect to some of Maine's most at-risk people, and how we haven't even begun to bend the curve. In spite of the important things we've tried over the past few years, things are getting worse for homeless Mainers. And, let me give you an example to put this into context, Madam Speaker.

Four years ago, in 2014, someone overdosed at Preble Street, a large, Portland-based social services agency. It was a terrible event, and it was the first time that anyone there could remember that happening. Then, in 2015, they didn't have just one overdose at Preble Street, they had one every three months. By 2016, there was an overdose at Preble Street once every two weeks. Since 2017, it has been happening once every eight days. Now at Preble Street, every employee carries Narcan, and when they train new staff, the first thing they teach is how to reverse an overdose. The folks at Preble Street reversed over 40 overdoses in 2017. But let me tell you something that is almost equally as tragic. Preble Street, the folks there will tell you that every single one of those people who had overdosed had asked for help to fight their disease. Every single one wanted to get into a detox or a recovery program. They'd stated out loud that they wanted to get healthy, and stay sober, but the services just weren't there. They aren't there. Even in Maine's most populated community, there is a severe lack of treatment, and the services that are available certainly aren't there for homeless people without insurance.

The nuts and bolts of this bill direct DHHS to create programs in both rural and more populated parts of the state to provide a bundle of services specifically designed to meet the challenges faced by people who are extremely low income and homeless. It recognizes that people in this vulnerable situation need more than just medical treatment, but also social supports, including housing assistance and intensive case management. These are people who struggle every day to meet their most basic needs of food and shelter, and simply offering traditional treatment in traditional settings is an inadequate approach to helping them manage and maintain recovery. We need to meet them where they are, and to do anything less is a death sentence.

The introduction of this bill was one of the specific, unanimous recommendations of the Opioid Task Force. After receiving that strong recommendation from the Task Force, the Legislative Council unanimously let this bill in as an emergency. At the public hearing, there was overwhelming support, with over 35 people testifying in favor, including sheriffs, police chiefs, the faith community, physicians, health care providers, social services providers, people across the state, rural areas and urban areas; people who are on the ground, who see this tragedy every day, understand how important this is, and uniformly support it.

DHHS had some questions with this bill. We worked with the Department extensively to address those concerns, and that work is reflected in the bipartisan Committee amendment. At a work session before the HHS Committee, the Department's spokesperson told the Committee that the DHHS concerns had been met and, again, the report before the body has bipartisan support.

Madam Speaker, between now and the time when we finally adjourn, this body will have the opportunity to make a real difference, to help people whose lives are at risk every day

because of this terrible disease, and pull Maine out of our tailspin with respect to this crisis. The Task Force did terrific work, our Committees have done their job, the public has weighed in, there are a number of very important bills that we've already voted on and we will vote on in the days to come. This bill is an important piece of the puzzle, and as we step up and fight for the future of our state and our communities, we can't turn a blind eye to the most vulnerable victims of this crisis. We can't just leave them to die. And I hope, Madam Speaker, that the members of this body will give this bill a strong vote today. And, Madam Speaker, I request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT Committee Amendment "A" (H-737)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of Committee Amendment "A" (H-737). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 588

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Golden, Grant, Grohman, Haggan, Hamann, Handy, Harlow, Harrington, 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, Seavey, Sheats, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Chace, Craig, Espling, Farrin, Fredette, Gerrish, Gillway, Ginzler, Grignon, Hanington, Hanley, Hawke, 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, Simmons, Sirocki, Skolfield, Stetkis, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bickford, Cebra, Guerin, Harvell, Sherman.

Yes, 94; No, 52; Absent, 5; Excused, 0.

94 having voted in the affirmative and 52 voted in the negative, with 5 being absent, and accordingly **Committee Amendment "A" (H-737)** was **ADOPTED**.

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-737)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Amend the Retirement Laws Pertaining to Participating Local Districts

(H.P. 180) (L.D. 247)
(C. "A" H-716)

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. 121 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLE Accounts for Qualified Persons

(H.P. 1314) (L.D. 1881)
(C. "A" H-717)

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. 126 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.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education

(H.P. 1288) (L.D. 1851)
(C. "A" H-722)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Increase Reimbursement for Child Care Services
(S.P. 58) (L.D. 166)
(C. "A" S-407)

An Act To Address Maine's Nursing Shortage by Creating an Apprenticeship Pathway for Licensure of Health Care-trained Veterans and Expanding Access to Nursing Education

(H.P. 1294) (L.D. 1857)
(C. "A" H-718)

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.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-740)** on Bill "An Act To Increase Youth Mental Health Awareness in Schools"

(H.P. 1302) (L.D. 1866)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland

FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

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

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-740)** 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-740)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1289) (L.D. 1852) Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-739)**

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

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge"

(S.P. 615) (L.D. 1671)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** **READ** and **ACCEPTED** in the House on April 9, 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 **ENERGY, UTILITIES AND TECHNOLOGY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-436)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Support Home Health Services

(H.P. 591) (L.D. 842)

Report "A" (7) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)** in the House on April 9, 2018.

Came from the Senate with Report "C" (1) **OUGHT TO PASS AS AMENDED** of the Committee on **HEALTH AND HUMAN SERVICES** **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728)** in **NON-CONCURRENCE**.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-406)** on Bill "An Act To Strengthen Requirements for Water Testing for Schools" (EMERGENCY)

(S.P. 20) (L.D. 40)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
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:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
SANDERSON of Chelsea

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406) AS AMENDED BY SENATE AMENDMENT "A" (S-429)** thereto.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-406)** was **READ** by the Clerk.

Senate Amendment "A" (S-429) to **Committee Amendment "A" (S-406)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-406) as Amended by Senate Amendment "A" (S-429) thereto was ADOPTED.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-406) as Amended by Senate Amendment "A" (S-429)** thereto in concurrence.

ENACTORS

Emergency Measure

Resolve, To Develop MaineCare Reimbursement Rates for Trauma-focused Cognitive Behavioral Therapy

(H.P. 630) (L.D. 902)
(C. "A" H-726)

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 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children

(H.P. 1304) (L.D. 1868)
(C. "A" H-729)

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. 125 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans

(H.P. 1318) (L.D. 1886)
(C. "A" H-725)

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 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Allow Microgrids That Are in the Public Interest
(H.P. 190) (L.D. 257)
(C. "A" H-720)

An Act To Amend the Child Protective Services Statutes
(H.P. 824) (L.D. 1187)
(C. "A" H-724)

An Act To Improve the Effectiveness of the Major Business Headquarters Expansion Tax Credit
(S.P. 733) (L.D. 1903)

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, To Create the Task Force on Mathematics Success in School

(H.P. 1177) (L.D. 1697)
(C. "A" H-731)

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

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

On motion of Representative GRANT of Gardiner, the House adjourned at 1:33 p.m., until 10:00 a.m., Wednesday, April 11, 2018, in honor and lasting tribute to Margaret B. Anderson, of North Yarmouth; the Honorable Jean Dellert, of Gardiner; and the Reverend Bruce Ames Alexander, of Dresden.