

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
49th Legislative Day
Tuesday, June 6, 2017

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

Prayer by Reverend Sara Bartlett, Alfred First Parish Church, UCC.

National Anthem by Kristen Pooler, Gardiner.

Pledge of Allegiance.

Doctor of the day, Alan Hymanson, M.D., York.

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 582)

ORDERED, the House concurring, that Bill, "An Act To Allow and Recognize a Legal Name Change upon Marriage," H.P. 126, L.D. 170, and all its accompanying papers, and Bill, "An Act To Prohibit Any Questions Regarding Criminal History on State Employment Applications," H.P. 221, L.D. 288, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

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

READ and **PASSED** in concurrence.

Non-Concurrent Matter

Bill "An Act To Sustain and Attract Skilled Workers to Maine by Improving the Job Creation Through Educational Opportunity Program"

(S.P. 392) (L.D. 1171)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-151)** in the House on June 1, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act Regarding the Confidentiality of Information in the Animal Welfare Laws"

(H.P. 998) (L.D. 1446)

Minority (5) **OUGHT NOT TO PASS** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED** in the House on June 1, 2017.

Came from the Senate with the Majority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-379)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Preserve the Economic Viability of Maine's Historic Properties"

(H.P. 803) (L.D. 1140)

Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on June 1, 2017.

Came from the Senate with the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)** in **NON-CONCURRENCE**.

Representative **ESPLING** of New Gloucester moved that the House **RECEDE AND CONCUR**.

Representative **HERBIG** of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **ESPLING**: Thank you, Madam Speaker. The reason I moved to Recede and Concur was because we do agree with the other body's action on this matter. I did have a Representative who has an interest in this piece of legislation who is not in the chamber at the moment, but I do hope that legislators will look at this matter and see the importance of receding with the other body at this time. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Kittery, Representative **Rykerson**.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. This bill is not really about saving historic buildings. This bill is about getting out of the building code, and this is what they do for a living, preserving historic buildings. There are three paths to compliance in the existing building code, and this bill actually is generated by somebody who wants to get out of fire code regulations due to ventilation, and it doesn't make a whole lot of sense. It's not actually saving historic buildings, it's getting away from Life Safety Code. So, I urge you to vote against the motion. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. This is my bill, and I will admit the original version was pretty deep in the weeds. And perhaps it warranted an Ought Not to Pass Report, which it got in the House last Thursday when I was away at my son's wedding. So no one spoke to it. So, I'd like to have you consider voting in favor of the pending motion. What this bill does is, it gives recourse if a code enforcement agent makes a questionable decision. Buildings that are on any register of historic places are subject to a different code than your home or my home, and so, the code enforcement people don't deal with these codes as often, so sometimes there's confusion in a community by a local code enforcement officer. The amendment to this bill, which is what's on the screen right now, pared down all the weeds, it weedwhacked all of those out and they're gone. All that is left is a procedure where, if someone feels the local code enforcement officer made an error in interpreting the historic properties code, that the owner of the property can appeal it to the State Fire Marshal's Office. That's all it does. Just an appeal to the State Fire Marshal's Office.

Currently, the only recourse would be to go to court, and it seems that we should allow a little bit of review possibility without overburdening our courts. As a member of the Judiciary Committee, I can tell you we already have too many things going to court, so this would allow an appeal process to the State Fire Marshal's Office. There shouldn't be many of them. According to the Maine Innkeepers' Association, there was only one case last year where they questioned the local code enforcement. So, it would be a small change that would be a big help. Thank you.

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

Representative **FREDETTE**: Good morning and thank you, Madam Speaker, Ladies and Gentlemen of the House. As people know, we have the oldest housing stock in the country, and oftentimes when you drive throughout rural Maine, oftentimes what you'll see are houses that are quite frankly left in complete disrepair, and sometimes simply abandoned. Now, some of those houses may or may not be historic buildings; but to some extent, when you look at these historic buildings and there are certain things that you can't do to them, which would be supervised by the local level, oftentimes the choice may be simply to let the building go in complete disrepair versus what has to be done under the current law. So, I think what this bill does, it allows, to some extent, the local municipality to be able to work in conjunction with the local historical society, our local contractors, and say, "Hey, is this something that we can actually do to make this historic building continue to be a useful part of our housing inventory?" Because the alternative is, it just becomes too burdensome and ultimately over time it just simply falls into disrepair. I think it's a reasonable small step forward which preserves both sides and is a win-win, and I would ask you to support the Recede and Concur motion. Thank you, Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would agree with the good Representative from Newport. There are a lot of historic buildings here in the State of Maine. What's interesting about that point, though, is we only heard from one person in committee regarding the significance of this bill as it relates to the historical property that he owns. If this was a need, I think we would have heard from far more folks who own historical properties. What we also heard was, from the State Fire Marshal's Office, that there is already flexibility within the code as it relates to historical properties and therefore, I ask that we defeat the current motion. I hope you will follow my light, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker. I apologize for rising a second time. The reason we wrote the existing building code is to protect historic properties. It's less restrictive than the Maine building code. What it doesn't do is allow fire hazards in existing buildings, and that is the case in this bill, so I urge you to vote against the bill. Thank you.

The SPEAKER: There are two more people in the queue. Three more people in the queue. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I very seldom rise on a second time, but I just wanted to respond to the good Representative from Biddeford, Representative Fecteau, in

regards to, if current law simply already outlaws this conversation from happening, when you look at a potential investor or someone is a local society saying, you know, that we can't do that, what that basically means is we're not even going to have the conversation. All this does is to simply allow the conversation to occur. If we don't take this step, investors will look at other places to invest their money. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker. My apologies for rising a second time. I just wanted to make clear that the motion coming from the other body is the Minority Report, which does not change the Life Safety Code in any way. It is only an appeal process.

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

ROLL CALL NO. 234

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

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

ABSENT - Bates, DeChant, Lockman, Monaghan, Sanderson, Ward.

Yes, 71; No, 73; Absent, 6; Excused, 1.

71 having voted in the affirmative and 73 voted in the negative, with 6 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

The following item was taken up out of order by unanimous consent:

SENATE PAPERS

The following Joint Resolution: (S.P. 585)
JOINT RESOLUTION RECOGNIZING JUNE 17, 2017 AS DESTROYER ESCORT DAY

WHEREAS, World War II, the Korean War, the Vietnam War and the Cold War called upon thousands of America's young men to join in the fight by land, sea and air to restore freedom and peace throughout the world; and

WHEREAS, the Destroyer Escort was designed for use in World War II as an anti-submarine vessel to provide a lifeline for Allied forces by protecting convoys from the U-Boat menace in the Atlantic and was used extensively in surface-to-

surface combat, shelling shores for invasions and many other assignments; and

WHEREAS, in recognition of the lives lost in these endeavors, and in commendation of the bravery and valor of the sailors of the Destroyer Escorts, the Destroyer Escort Association will host a special ceremony in Lewiston to honor the sailors of the Destroyer Escorts of World War II, the Korean War, the Vietnam War and the Cold War with special tribute paid to those who lost their lives with their ships; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize June 17, 2017 as Destroyer Escort Day throughout the State of Maine in commemoration of the valiant sailors who risked and often gave their lives for peace and freedom worldwide.

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

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

COMMUNICATIONS

The Following Communication: (H.C. 203)

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

June 2, 2017

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 56, "An Act To Include 50ml and Smaller Liquor Bottles in the Laws Governing Returnable Containers."
I have several objections to this bill. The Legislature purports to care about how each dollar entrusted to the state is spent, yet this bill was exempted from scrutiny by the Appropriations and Financial Affairs Committee despite the cost for implementation that it imposes, which totals over \$1 million. I am troubled by the precedent this bill sets; it suggests that any time a legislator identifies a pet cause that needs funding, they should raid the state's liquor business. That type of thinking has gotten the state into financial trouble in the past, and it runs counter to the steps this Administration has taken to strengthen the liquor contract, which is now producing tens of millions of dollars more a year to fund state government and enable us to pay back the hospital debt. This bill takes us in the wrong direction.

If proponents of this bill are truly concerned about the litter caused by discarded 50ml bottles on the side of the road, they have two options: either increase penalties for discarding these bottles or discontinue sales of these bottles all together.

The case to increase the penalty for discarding 50ml alcohol bottles on the side of the road is clear. In speaking with members of the public and in law enforcement about this issue, they have informed me that 50ml containers on the side of the road often result from consumption inside a moving vehicle. Whether consumed by the driver or a passenger in a vehicle, in violation of Maine law, this is dangerous, illegal and

unacceptable. The behavior is more egregious because the act of discarding the bottle out the window is merely an attempt to eliminate the evidence of the crime. I cannot condone this unlawful behavior, and I believe increased penalties are warranted.

Last week I vetoed LD 671, which sought to ease penalties on license suspension for people who have been caught driving while drunk. I am becoming concerned the Legislature does not take drunk driving seriously and is unwilling to protect the public from such reckless behavior. In this bill, the Legislature has once again failed to seek penalties for those creating the threat to public safety.

Absent increased penalties, which this bill failed to impose, an alternative approach is to discontinue the sale of 50ml bottles containing alcohol all together. If this bill passes, I have directed the Bureau of Alcoholic Beverages and Lottery Operations to work with the Liquor and Lottery Commission to delist these products for sale in Maine.

Rather than support this costly bill, which will not reduce drunk driving and does nothing to curb the destruction of evidence through littering, I return LD 56 to you 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 Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers

(H.P. 43) (L.D. 56)
(H. "A" H-132 to C. "A" H-107)

The **SPEAKER**: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Madam Speaker, thank you very much. Ladies and Gentlemen of the House, I'm so glad to have this opportunity to speak with you again on this issue. I hope that you'll recall my mentioning my street walking routine workout for many years. During that time, I have come to know my streets and my streets have come to know me. After speaking with you earlier, I regrettably, regrettably realized that I omitted a very important environmental concern for adding nips to the deposit fee list. Saturday, on my jaunt, near my home, I retrieved no less than 25 nips during a two-mile loop. I know you realize what sort of a posture that that puts me in on the side of the road as I bend to grab these nips. As I was rinsing all the nips back at home, I realized that I hadn't shared with you that we are not talking about just a single little plastic bottle. When we think of the plastic litter, we must keep in mind that there are three parts to a healthy nip. There's the body of the nip, there's the ring of the nip, and there is the tip of the nip. Sadly, those three pieces of plastic can become twisted and separated, and therefore, they end up scattered all along the roadside. A deposit fee on nips would not go into effect until January 1, 2019. But if you're with me on this, I am planning to keep my end up, so to speak, until then. So, let's reaffirm putting a tip on the nip to nip littering in the bud, and I thank you for your very kind consideration.

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

Representative **ESPLING**: Thank you, Madam Speaker, and I hesitate to stand after my good friend from Gray gave such a great speech, and we are neighbors and friends, so I appreciate that, but I did want to stand in support of the Chief Executive's veto on this matter. I do support sustaining this,

and he says in his letter this bill takes us in the wrong direction. I believe it does. It mentions two different behaviors, drunk driving and littering. Both we don't condone, and both are already the subject of many laws in statute. I think that this bill further tries to regulate behavior, which is really not the direction that I believe the state should go in. And, in doing so, it's also putting a burden on businesses that I don't think is fair. I don't think this is a good solution. It's not a good solution to littering. I can't support it and I hope you will follow my light in sustaining the veto. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Fuller.

Representative FULLER: Madam Speaker, friends and colleagues of the House. St. Thomas Aquinas tells us that the best speeches are always those given with a slight apology. So, I will beg your forgiveness as I show you my sandwich bag for the day.

The SPEAKER: The member will defer. No props are allowed in floor debate.

The Chair reminded Representative FULLER of Lewiston that no props were allowed during the floor debate.

The SPEAKER: The member may proceed.

Representative FULLER: My sandwich will take me all of five minutes to consume. The plastic bag that contains my sandwich will take 50 years to rot. The nips we leave on the side of the road will take no less than 450 years to decompose. The obligation that we face here as a Legislature is not just the things we consume, but the things that we seek to preserve. We have nothing better to preserve than the great State of Maine. So I urge you to override this veto. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Limington, Representative Kinney.

Representative KINNEY: Madam Speaker, Ladies and Gentlemen of the House, I strongly urge you to sustain this veto. The State of Maine has a trash problem; it doesn't have a nip problem. We have a problem of people just arbitrarily throwing everything out the window, and until we can get our hands on this problem and educate our people to have respect for our land, increasing the size of the bottle bill is not going to solve any problems. Thank you.

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

Representative DUCHESNE: Thank you, Madam Speaker and Men and Women of the House. The Chief Executive's veto message and a lot of the arguments on the floor have really conflated a lot of different problems. This is not a drunk driving bill, this is a litter bill. It's the bottle bill. It's been around for a long time. Originally, we didn't apply the bottle bill to these little nips because there weren't any little nips. This corrected that problem. The Chief Executive's message says it suggests that anytime a Legislature identifies a pet prize that needs funding, they should raid the state's liquor business. The only reason the state's liquor business is even in the equation is because the state got into the liquor business. We're doing the same thing to Coca Cola, Pepsi Cola, Poland Spring, they're all the same. It's what gets thrown on the side of the road; we add a nickel deposit. We've done it for years, we're just adding nips. If there is a drunk driving problem, I will be the first to support the Chief Executive's bill when it comes up next session to fight this. But the bottle bill doesn't fight drunk driving. It just gets litter off the road as best we can and we've always done it that way. We're just adding nips to that solution. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative CAMPBELL: Thank you, Madam Speaker, Men and Women of the House. As before, I mentioned this is an economic development bill. Well, not really. This is a consistency bill. Liquid has deposits. Water has deposits, all the way up to the big orange juice container. This has gotten under the radar. To be truly consistent, there should be a 15-cent deposit, because this is wine and spirits. Somehow, we negotiated it only be a five-cent deposit. This needs a deposit, and that's all it is. They have to remove these containers from a big case because they are so small, and they have to put a sticker on it. Somebody decided that this is going to kill business and it's going to throw 20 jobs out of the state. Well, that's just not right. And then they agreed to a five-cent deposit. They're still going to have to open that carton and put the five-cent sticker on it. This is a consistency bill. We need to put a deposit on these things. 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. Reading this veto, I saw that it said, "If this bill passes, I've directed the Bureau of Alcoholic Beverages and Lottery Operations to work with the Liquor and Lottery Commission to delist these products for the sale in the State of Maine." Well, I live right on the New Hampshire border, and I would really like to sustain this veto, because I don't want to be tempted to commit a crime by buying a lot of these in New Hampshire, coming to Maine, and selling them on the black market. Please don't tempt me. Thank you.

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

Representative BABBIDGE: Thank you, Madam Speaker. Madam Speaker, I'm in agreement with many of the comments here, talking about the bipartisan decision in the 1970s for us to initiate a bottle bill and to continue that for this product. But I previously mentioned that the concealability of this product concerns me. For folks who are operating a motor vehicle, it's a health and a safety issue. For our kids who are in school, it's a health and a productivity issue. For folks in the work place, it's a health and productivity and safety issue. So, for the revenue, for the environment, for productivity, for health, for safety, please overturn this veto. Thank you.

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

Representative TUELL: Thank you, Madam Speaker. I wasn't going to rise, but there are a couple of lines in the veto message that caught my eye and struck me as a little disingenuous. On one hand, we say drunk driving is a serious issue, yet on the other hand, sentences of habitual offenders are commuted on Memorial Day weekend. So it strikes me as a little bit of an irony here, and I will be supporting the override of this bill, and I seriously hope we do get a handle on drunk driving and keep the people behind bars that should be.

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. 235V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, Denno, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Ginzler, Grant, Grignon, Grohman, Hamann, Handy, Harlow, Harrington, Harvell, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Moonen, Nadeau, O'Neil, Parker, Perry, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Skolfield, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - Espling, Farrin, Fredette, Gillway, Guerin, Haggan, Hanington, Hanley, Hawke, Head, Johansen, Kinney J, Lyford, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner, Winsor.

ABSENT - DeChant, Golden, Lockman, Monaghan, Sanderson.

Yes, 114; No, 31; Absent, 5; Excused, 1.

114 having voted in the affirmative and 31 voted in the negative, with 5 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 208)

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

June 2, 2017

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 1055, "An Act To Update the Statutes Under Which Maine's Credit Unions Are Chartered."

With their tax-exempt status, credit unions enjoy a significant competitive advantage over banks. This bill would expand that competitive advantage inappropriately by increasing the amount of total surplus a credit union may invest in real estate from 50 to 60 percent and by eliminating the requirement for a guaranty fund. I believe in a level playing field for economic competitors.

For this reason, I return LD 1055 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 Update the Statutes under Which Maine's Credit Unions Are Chartered

(H.P. 738) (L.D. 1055)

(C. "A" H-142)

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

Representative **FREDETTE**: Thank you, Madam Speaker. When the Speaker is in fact talking and reaching down and pushing this button at the same time, then there is a question upon whether or not the button is pushed. You cannot look over and see your pad when you're doing that, and my button was in fact pushed and so, while I waive my right to argue on this, I would simply ask that there be proper time for people to be permitted to push their button when they would like to speak on issues. This is not the first time this has arisen.

The SPEAKER: The Chair will advise all members that as there is ample time as we are going through the text before a veto or any bill, people need to be paying attention, in their seats, and pushing their button in a timely manner.

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. 236V

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

NAY - Johansen, Sirocki, Strom, Sutton, Turner.

ABSENT - DeChant, Lockman, Monaghan, Sanderson.

Yes, 141; No, 5; Absent, 4; Excused, 1.

141 having voted in the affirmative and 5 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 209)

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

June 2, 2017
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 1085, "An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist."
While I support this bill's lowering of a barrier to entry into the dental hygienist profession—by reducing the number of experience hours a holder of an associate's degree needs from 5,000 to 2,000—I do not believe this change should be retroactive.
For this reason, I return LD 1085 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 Requirements for Licensure as an Independent Practice Dental Hygienist (EMERGENCY)

(H.P. 763) (L.D. 1085)
(C. "A" H-119)

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

Representative **FREDETTE**: Thank you, Madam Speaker. I believe this is a good bill and I urge the chamber to override. Thank you.

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. 237V

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

Wadsworth, Wallace, Ward, Warren, White, Winsor, Zeigler, Madam Speaker.

NAY - Wood.
ABSENT - DeChant, Lockman, Monaghan, Sanderson.
Yes, 145; No, 1; Absent, 4; Excused, 1.

145 having voted in the affirmative and 1 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

The Following Communication: (H.C. 212)

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

June 2, 2017
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 459, "Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices."

My primary opposition to this resolve is the amendment. I believe a candidate who wishes to participate in "Clean Elections" should be responsible to collect the qualifying contributions. The candidate should not leave that task up to volunteers. Because this resolve contemplates volunteers collecting contributions, I cannot support it.
For this reason, I return LD 459 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 Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

(H.P. 326) (L.D. 459)
(C. "A" H-183)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would urge you to read the Chief Executive's veto letter and ask you to follow my light sustaining this veto. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to his Point of Order?

Representative **FREDETTE**: I'm actually not asking for a Point of Order, I'd just like to rise to speak a second time.

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

Representative **FREDETTE**: Thank you, Madam Speaker. I have to apologize to the body as I was in error. I had a separate list of vetoes, and as I look on the board up here, we are on Supplemental 1, 2-2, and so I just want to make sure in

regards to this one, the Clean Election Act, we talked about this in our caucus and we're in favor of overriding this in general, and so I would just like to urge a correction of my position in regards to this particular veto, that I do believe that it is something that we should override. Thank you, Madam Speaker.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 238V

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

NAY - Vachon.

ABSENT - DeChant, Lockman, Monaghan, Sanderson.

Yes, 145; No, 1; Absent, 4; Excused, 1.

145 having voted in the affirmative and 1 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 213)

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

June 2, 2017

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 613, "An Act To Protect Job Applicants from Identity Theft."

This bill adds the word "benefits" to the list of items that individuals can refuse to provide their Social Security number for. The law is now unclear as to whether the current protections are adequate to protect a person if they refuse to write their Social Security number on a job application.

Employers must collect and employees must provide Social Security numbers at several stages of the employment process: on background or credit check authorization forms, federal and state income tax withholding forms, federal I-9 work authorization forms, health insurance forms and other benefits paperwork.

I am a strong advocate of personal privacy. In this day and age, especially with hacking, ransomware and data breaches increasingly common occurrences, employers should limit their collection and use of Social Security numbers to matters already expressly authorized in law. This is common sense. When such a request is not authorized by law, then an individual has the right to refuse to provide it. That, too, requires no law. It is taking responsibility for your personal privacy.

For this reason, I return LD 613 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 Protect Job Applicants from Identity Theft

(H.P. 429) (L.D. 613)

(C. "B" H-117)

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. 239V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, Denno, 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, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - DeChant, Harvell, Lockman, Monaghan, Sanderson.

Yes, 79; No, 66; Absent, 5; Excused, 1.

79 having voted in the affirmative and 66 voted in the negative, with 5 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 214)

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

June 2, 2017

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 917, "Resolve, To Require a Review of the State Employee and Teacher Retirement Plan."

I fully support the goals of the proposed review. We are overdue to reform Maine's retirement system to improve portability that allows greater movement for skilled employees into and out of jobs in state government and in our schools. The threat of penalties from the federal government by limiting eligibility for Social Security does not allow optimal recruitment and workforce mobility. With Maine's demographic challenges and labor shortage, now it is more important than ever to ensure we remove such barriers.

I cannot support this bill, however, as it is a directive without providing resources to get the job done. The Legislature recently authorized a similar review to that which is proposed in this bill. That review was completed, and sound recommendations were made; yet it was never acted upon. We already know what needs to be done, I call on the Legislature to take steps to implement it. This is not the time for another unfunded study—this is the time for action.

For these reasons, I return LD 917 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 Resolve, To Require a Review of the State Employee and Teacher Retirement Plan (EMERGENCY)

(H.P. 645) (L.D. 917)
(C. "A" H-184)

The **SPEAKER**: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative **WINSOR**: That's all right, I get it mixed up too. Thank you very much, Madam Speaker. I stand to urge you to support this bill and override the veto. This is one of the few times that I've ever, as a state legislator, I've been involved with, in which the unions representing state employees and teachers have agreed to work with management to review the state retirement system. It is a goal that they will find a way to improve the system by making Social Security, or some other benefit, portable for our employees. In this bill, the retirement system has agreed to host union members along with members of the executive, to review options to them and to cost out the different options. I certainly hope you will support this concept and approve the bill. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Resolve 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 Resolve become a law notwithstanding the objections of the Governor?' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 240V

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

NAY - Guerin, Johansen, Strom.

ABSENT - DeChant, Hamann, Lockman, Monaghan, Sanderson.

Yes, 142; No, 3; Absent, 5; Excused, 1.

142 having voted in the affirmative and 3 voted in the negative, with 5 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 215)

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

June 2, 2017

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 1079, "An Act to Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency."

This bill would allow those who witness an overdose to successfully argue in court that they should have immunity from any unlawful possession of schedule drugs if they sought medical assistance for someone who was experiencing an overdose.

This bill and those like it that propose immunity for drug users make me wonder, "What's next?" Would these people actually let their friends die in order to avoid a misdemeanor offense that probably would go unprosecuted anyway? I believe the answer to this question would be "no."

It has long been known that a good way to get drug users off drugs is for them to get into the criminal justice system. Once arrested, drug users can qualify for drug court and the treatment and hope that can be found in that program. If this bill were to pass, it would be a deterrent for law enforcement officers to arrest someone who called in an overdose. That person would then not be able to benefit from the help that can be found once arrested.

For these reasons, I return LD 1079 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 Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency

(H.P. 757) (L.D. 1079)
(C. "A" H-164)

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

Representative **CARDONE**: Thank you, Madam Speaker. I rise today to ask this body to override the veto of this bill, and I wish to speak in particular to some misconceptions about the bill that are suggested by the Chief Executive's veto letter. This is not a bill that grants immunity. It's not a bill that excludes evidence. It's not a bill that deters arrests. Although initially that was language suggested in the bill, the language that was passed, the amendment that was passed by the committee, is language that provides an affirmative defense if someone has called an emergency provider if they, or someone that they are with, is suffering from a drug overdose. It is a defense to certain crimes only: a possession of certain scheduled drugs, or possession of certain drug paraphernalia. It does not provide an affirmative defense to more serious crimes of furnishing. It is an attempt to encourage those who may otherwise be afraid to call in an emergency situation and to save a life. It is not an attempt to grant immunity to drug users for their use. I would ask that this body override this veto in an attempt to save lives. Thank you.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen of the House. If you love lawyers, then you should be voting to override this veto. Because that's what this bill does. It does provide an affirmative defense. It doesn't mean someone cannot be charged. It does provide an opportunity for someone who is a defense attorney to argue that someone has, essentially, immunity from being prosecuted because of a certain fact pattern. And so, creative attorneys will look at this statute and they will look for instances where their clients, who may be otherwise charged with a Class C Felony, a Class B Felony, high degree of charges in regards to criminal prosecutions, looking to this affirmative defense as a way out for their clients. That's what attorneys get paid to do. And so, while we begin down this slippery slope and this whole conversation about, we're essentially creating a carve-out here, folks. The carve-out is, you know, if you're in a situation where a person's dying of a drug overdose, then, well, you've got a defense, while in other circumstances, you don't have a defense. And so, this is a carve-out. It will be used, or attempted to be used, in many circumstances by many attorneys, and you will be seeing people go free who otherwise would have been able to be convicted of very serious crimes, and so I believe this is a slippery slope. I understand the well-intentionedness of the bill; however, I think provided in the tool box for attorneys, it certainly is something that gives me great concern. I will be voting to sustain the Chief Executive's veto. 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. 241V

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

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

ABSENT - DeChant, Lockman, Monaghan, Sanderson.
Yes, 91; No, 55; Absent, 4; Excused, 1.

91 having voted in the affirmative and 55 voted in the negative, with 4 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

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

REPORTS OF COMMITTEE
Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-190)** on Resolve, To Establish the Commission To Study the Phase-out of Subminimum Wage

(S.P. 371) (L.D. 1117)

Signed:
Senator: **BELLOWS** of Kennebec

Representatives:
PECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

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

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

READ.

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-170)** on Bill "An Act To Provide Stability and Continuity in the Department of Education"

(S.P. 120) (L.D. 379)

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

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

Signed:

Senators:

DAVIS of Piscataquis
KEIM of Oxford

Representatives:

GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-170)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-170)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Amend Education Statutes"

(S.P. 537) (L.D. 1531)

Signed:

Senators:

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 to Pass as Amended by Committee Amendment "A" (S-185)** on same Bill.

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185)**.

READ.

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

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker. I object to the motion on the floor for the following reasons. First of all, this bill was brought forth by the request of the committee. It contained initiatives that are currently in Section C of LD 390, the budget bill. I object to this motion because this bill proposes some excellent educational initiatives, such as the authority of the commissioner to expend and disburse funds to provide training, identification, and intervention services for children with autism; also, a competitive grant process to establish pilot programs that would benefit students in the STEM fields. Its fiscal note is already proposed in Section C of LD 390, the budget bill. I ask you to follow my light and oppose this measure. Thank you.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

ROLL CALL NO. 242

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Daughtry, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Ceбра, Chace, Chapman, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - DeChant, Hawke, Lockman, Malaby, Sanderson.

Yes, 79; No, 66; Absent, 5; Excused, 1.

79 having voted in the affirmative and 66 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-410)** on Bill "An Act To Include Additional Corrections Officers under the 1998 Special Plan for Retirement and To Amend the Laws Governing Retirement Benefits for Capitol Police Officers" (H.P. 942) (L.D. 1365)

Signed:
Senator:

BREEN of Cumberland

Representatives:

GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
MARTIN of Eagle Lake
TEPLER of Topsham

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

Signed:
Senators:

HAMPER of Oxford
KATZ of Kennebec

Representatives:

SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

READ.

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

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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**: 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. 243

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

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

ABSENT - Farrin, Golden, Hawke, Lockman, Malaby, Sanderson, Wallace.

Yes, 80; No, 63; Absent, 7; Excused, 1.

80 having voted in the affirmative and 63 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-410)** 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-410)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)** on Bill "An Act To Maintain the Current Number of Appointees to the Maine Arts Commission"

(H.P. 697) (L.D. 996)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

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

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

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-408)** 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-408)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Provide Flexibility for Education Technology Programs in Maine Schools" (EMERGENCY)

(H.P. 1106) (L.D. 1603)

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 to Pass** on same Bill.

Signed:

Representatives:

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

READ.

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. I rise today in opposition of the pending motion. For the past 25 years, I've worked as an elementary technology teacher in both the Lebanon and Berwick schools. I sponsored this bill to bring local control back to school districts to better address their specific technology needs. Under the current law, the Department of Ed. is restricted in how the funding provided to schools for the Maine Learning through Technology Initiative, also known as MLTI, can be used. For years, the only choice for a school was to select from preset technology packages, that were quite costly, I might add. For the first time, the Department is providing districts some flexibility through a grant that allows eligible schools to create their own program to provide one-to-one computer devices to their students and staff. Working in technology education and knowing many technology teachers and directors throughout the state, it's fair to say that we all have varying technology needs. For example, schools may want to have some shared devices, varying professional development for their staff, projectors, site license, and so on; or, as my district has done, expand our one-to-one device program out of the middle school level and provide one-to-one to all students in grades 4-12. Less fortunate districts are in need of the most basic technology resources, including one-to-one devices at grades outside of seventh and eighth, and robust wireless networks to support student and staff devices. Districts with more resources dedicated towards technology frequently have the devices and networks required to provide a high-quality user experience, but often lack the time and resources to provide high-quality professional development opportunities for their staff. This bill will provide the Department with the necessary statutory change to allow more local control in the use of these grant funds, that school districts have expressed a desire to have, as identified by the school leadership, rather than restrict the use of funds to a certain grade or type of technology. Providing schools with this type of flexibility is essential to keeping the program current and to support students and educators in the use of technology in the classroom. The focus of the MLTI integration of technology into the classroom to support the enhancement of student outcomes remains an important mission. But the needs and opportunities available today are not the same as when this statute was originally enacted. I ask you to follow my light and oppose the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Madam Speaker. Could somebody tell us if there's a fiscal note on this, please?

The **SPEAKER**: The Representative from Eddington, Representative Lyford, has posed a question to anybody in the chamber who can answer. The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker. I'm very excited about this bill. I think this is what technology is all about. It's about innovation; and currently, I think our MLTI program, where we had good intentions about introducing technology and making access available to technology to all our students, has outlived its usefulness. It has become a bureaucratic, one-size-fits-all program, exactly opposite of what technology should be doing. This, on the other hand, provides the kind of innovative flexibility by providing noncompetitive grants to schools to do innovative things with technology as they see fit. So I am very enthusiastic about this bill. The main objection to this bill had nothing to do with the content; it had to do with process. It came late in our session, and unfortunately we had so many bills, as many of the other committees did. We did the best we could. So it got a full airing, but it was late in the session, and the main objection was the process but not the content. Thank you.

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

Representative **STEARNS**: Thank you, Madam Speaker. I have a question to pose through the Chair to anyone who might be able to answer it. And the question is, does this remove technology money from General Purpose Aid that would go to all schools and put it into a separate category that only certain schools could receive by going through a grant process?

The **SPEAKER**: The Representative from Guilford, Representative Stearns, has posed a question through the Chair to anyone who can answer. The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: Thank you, Madam Speaker. Yes, that is correct, and to quote someone on the Committee, "It's easy to defund grant programs."

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker. Just to respond to the first question from Representative Lyford, there is no fiscal impact; and as to the second question, that was not my understanding of the bill.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: I just want to clarify that the grant process is noncompetitive. Any school, any school can apply for these funds. It's a very simple one-pager. It really just says, "What do you want to do?" And that's about it. So, thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Fuller.

Representative **FULLER**: Thank you, Madam Speaker. I rise today to point out, not a prop, that each of us has equipment in front of us, and that equipment is technology. The bill proposes the opportunity to remove that technology from the students of our schools. That bill in and by itself is not a good idea if we wish to advance the ability of our students to live in the 21st century. Please join me in voting for this proposal.

The **SPEAKER**: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker. I would just like to respond very briefly to the comments from the good Representative from Lewiston. I also serve on the Committee that this bill was heard before, and I am actually a product of the original MLTI generation, probably one of the few people in this room that actually was. And, one thing I certainly can explain is that there is very little flexibility in that program as it is right now. In fact, I would agree with the Representative from Lewiston that we all have technology in front of us, though that technology would, in fact, be different depending on the needs of the individual and the preferences of each person here. Likewise, it would give the school districts across Maine that same sort of flexibility and would, in fact, be able to target some of those specific needs, and some school districts might need more than others, where the whole one-size-fits-all explanation wouldn't actually be as applicable, particularly as the Representative from Bridgton alluded to. Technology is changing rapidly and we need to likewise change our policies around that to make it more competitive and better fit for our kids. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen. I just want to read what the summary of the bill says, because I think this question has been asked. It says, "This bill adds educational technology grants to the list of eligible uses for funds transferred from the General Purpose Aid for Local Schools account to the Learning Through Technology General Fund account." So, it does transfer the funds. Currently, those funds are part of the GPA process and this transfers it to another fund. Thank you.

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

ROLL CALL NO. 244

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

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

ABSENT - Lockman, Sanderson.

Yes, 84; No, 64; Absent, 2; Excused, 1.

84 having voted in the affirmative and 64 voted in the negative, with 2 being absent and 1 excused, and accordingly

the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Concerning Guardians Ad Litem and Determinations Regarding the Best Interest of a Child in Custodial Relative Caregiver Cases"

(H.P. 309) (L.D. 429)

Signed:
Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-412)** on same Bill.

Signed:

Representative:

JOHANSEN of Monticello

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Protect Political Speech and Prevent Climate Change Policy Profiling"

(H.P. 551) (L.D. 771)

Signed:
Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:

Representative:

JOHANSEN of Monticello

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Hold Refugee Resettlement Agencies Accountable to Maine People"

(H.P. 596) (L.D. 847)

Signed:
Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)** on same Bill.

Signed:

Representative:

JOHANSEN of Monticello

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-414)** on Bill "An Act To Require Disclosures Relating to the Sale of Residential Real Property Accessible Only by a Private Way"

(H.P. 620) (L.D. 871)

Signed:
Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
McCREIGHT of Harpswell
RECKITT of South Portland

SHERMAN of Hodgdon

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

Signed:

Representative:

JOHANSEN of Monticello

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-414)** 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-414)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act for Providers across Multiple Sectors To Inquire of Clients and Customers about Former Military Service"

(H.P. 204) (L.D. 271)

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-406)** on same Bill.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

HANINGTON of Lincoln
HICKMAN of Winthrop

READ.

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

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-407)** on Bill "An Act Regarding Mental Health Care for Maine Veterans"

(H.P. 853) (L.D. 1231)

Signed:

Senators:

CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
HANINGTON of Lincoln
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-407)** 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-407)** 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. 133) (L.D. 406) Bill "An Act To Amend the Law Regarding Joint Use of Certain Utility and Telecommunications Infrastructure" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-177)**

(S.P. 366) (L.D. 1112) Bill "An Act Regarding the Maternal and Infant Death Review Panel" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-189)**

(S.P. 406) (L.D. 1212) Bill "An Act To Amend the Definition of 'Eligible Business Equipment' for the Purposes of the Business Equipment Tax Exemption Program" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-180)**

(H.P. 469) (L.D. 678) Bill "An Act To Protect Students from Identity Theft" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-409)**

(H.P. 561) (L.D. 781) Bill "An Act To Support the Trades through a Tax Credit for Apprenticeship Programs" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-416)**

(H.P. 575) (L.D. 795) Bill "An Act To Require the Text of a Direct Initiative To Be Printed on the Ballot" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-404)**

(H.P. 917) (L.D. 1323) Bill "An Act To Amend the Direct Initiative Signature Gathering Process" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-405)**

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 Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

ENACTORS
Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 941) (L.D. 1364)
(S. "A" S-164)

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. 138 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.

Acts

An Act To Address Student Hunger with a "Breakfast after the Bell" Program

(S.P. 254) (L.D. 809)
(C. "A" S-163)

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

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment 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 (8) **Ought to Pass as Amended by Committee Amendment "A" (H-87)** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Creation of a Firearms Owner Registry"

(H.P. 10) (L.D. 9)

TABLED - May 4, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

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

ROLL CALL NO. 245

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Battle, Berry, Bickford, Black, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Ceбра, Chace, Corey, Craig, DeChant, Dillingham, Doore, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCreа, McElwee, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perry, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood, Zeigler.

NAY - Bates, Beebe-Center, Blume, Chapman, Collings, Cooper, Daughtry, Denno, Farnsworth, Hamann, Harlow, McCreight, McLean, Melaragno, Monaghan, Moonen, Reckitt, Rykerson, Sanborn, Spear, Sylvester, Talbot Ross, Warren, Madam Speaker.

ABSENT - Lockman, Perkins, Picchiotti, Sanderson.

Yes, 122; No, 24; Absent, 4; Excused, 1.

122 having voted in the affirmative and 24 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-87)** 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-87)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-89)** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places"

(H.P. 257) (L.D. 351)

TABLED - May 4, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. The Maine Legislature preempted the regulation of firearms to avoid the possibility of hundreds of separate firearm laws across the state. Without preemption, there would be many local firearm laws, making compliance impossible for law-abiding gun owners. This bill proposes the creation of another gun-free zone, which again, in my opinion, leaves victims helpless and infringes upon our right to keep and bear arms. I also see this bill as creating yet another soft target, like our schools. This bill does not only prohibit firearms, but also dangerous weapons including pocket knives or Leathermans; those types of tools that so many of Mainers carry on themselves each and every day. In closing, I've said more than once in this House floor that criminals do not follow the law. I can assure you that if someone is evil-minded enough to want to do harm to another, whether it be at a grocery store, in a parking lot, voting place, a municipal meeting, they will do it regardless of the law. These types of bills only harm law-abiding citizens that carry to self-protect. As a former municipal official myself, I would welcome a good Samaritan having the opportunity and right to have a weapon over only the criminals having them. I urge you to oppose the pending motion. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from South Thomaston, Representative Spear.

Representative **SPEAR**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise to speak in support of the motion and LD 351. This is a home rule option bill. It would allow Maine's cities and towns to enact protections for their residents and employees that are currently enjoyed by nearly everyone else in the state. It grants municipalities the authority to enact ordinances prohibiting weapons in municipal buildings, at municipal meetings, and at voting places. It by no means mandates they do so. It simply gives them that option. As we all know, weapons are not allowed in this building, in the Cross Building, or anywhere in this entire campus, including across the river. State law explicitly prohibits weapons in county courthouses; but to our partners at the municipal level, we extend no such protections and, inconceivably, and as hypocritical as it may seem, state law actually prohibits them from enacting for themselves the protections we enjoy for ourselves. I've never understood the rationale for this double standard. Personally, I think we should follow the lead of Texas, Florida, and eight other states that have statewide prohibitions on weapons at polling places. Maine has a long history of ensuring that voters may approach and enter polling places free from any form of distraction, free from outside influence, and certainly free from any hint of intimidation. In my mind, allowing weapons at polling places is contrary to that long-standing and laudable tradition. Personally, I believe we should follow the lead of Georgia, and Wyoming, and the many other states that prohibit weapons in municipal facilities or at municipal meetings. These facilities are community facilities. Many of us, including myself, are uneasy in the presence of weapons. I can avoid most venues

where weapons may be present, but if I wish to attend a select board meeting, an alternative site doesn't exist. It is my contention that no one should be faced with this choice and discouraged from participating in the public process. As an aside, I, as a former town manager and select board member, always believed that one of my primary obligations was to ensure the health and safety of municipal employees in their work place, and I often worried that allowing weapons in municipal buildings could be a breach of that affirmative duty. Also of interest is the fact that many municipal personnel policies prohibit employees from possessing weapons at work, and some municipal police department rules prohibit weapons in their police stations; and although these policies do exist, they are, in fact, rendered void by the current preemption law. But this bill does not follow the lead of Texas or Georgia. As to reiterate, it is a home rule option bill, acknowledging differing community standards. Ironically, that very flexibility has led to criticism that it would create a patchwork of local laws that would be difficult to follow. But while that criticism has been lodged, I strongly disagree with that notion. First, this bill requires that municipalities clearly post signs if weapons are not allowed. I have received a few comments that suggest that the public will have difficulty interpreting this signage. Personally, I have more confidence in the capabilities of our citizenry. Second, I would submit that a patchwork already exists, and this bill will do nothing to exacerbate that situation. As noted, weapons are not allowed here or at county courthouses. They are not allowed in schools, social security offices, post offices, hospitals, unless you're in a municipal hospital. Colleges, including Maine's public colleges, have explicit authority to regulate firearms on their campuses, and they do so. Places that serve alcohol have explicit authority in Maine to regulate firearms in their establishments. Some do, some don't. It strikes me as very odd that restaurant and bar owners are trusted to make decisions regarding their facilities, but we afford no such level of confidence to our cities and towns. Some retail businesses prohibit weapons in their stores, some do not. Some employers prohibit employees from bringing weapons into their buildings, some do not. One movie theater near where I live prohibits weapons. Another one a short distance away doesn't appear to have such a prohibition. Some state offices exclude weapons. The DHS office in Rockland prohibits weapons. It has a big sign right on the door. But the Bureau of Motor Vehicles office, less than two short miles away, does not. If what I just described isn't already a patchwork, I'm not sure what is. So, the argument that this bill would create a patchwork strikes me as a bit absurd. So, while weapons are not allowed at the DHS office in Rockland, a municipality may not prohibit them from its town hall, its library, or its police station. While weapons are not allowed at a local movie theater I frequent, a municipality may not prohibit them from a council or select board meeting. While they are not allowed at a local YMCA, a municipality cannot prohibit them from its rec center. And, while they are not allowed at my dentist's office, a municipality cannot prohibit them from the venue where citizens vote. The logic truly escapes me. I urge you all to support the motion and grant to our cities and towns the ability that virtually everyone else in the state enjoys. That is the ability to control and manage their own buildings and facilities as they, not us, are in the best position to make those judgments. I would request that the Clerk read the Committee Report.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

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. 246

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

NAY - Austin S, Bickford, Black, Bradstreet, Bryant, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Dunphy, Espling, Farrin, Fay, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Marean, Martin J, Martin R, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood, Zeigler.

ABSENT - Grohman, Lockman, Sanderson.

Yes, 74; No, 73; Absent, 3; Excused, 1.

74 having voted in the affirmative and 73 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-89)** 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-89)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-373)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Enhance Safety on College and University Campuses by Allowing Firearms To Be Carried on the Campuses of Public Colleges and Universities"

(H.P. 949) (L.D. 1370)

TABLED - June 1, 2017 (Till Later Today) by Representative KORNFIELD of Bangor.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **KORNFIELD**: Thank you, Madam Speaker. Presently we have a state law that works quite well. I move the Ought Not to Pass Report because this law allows the Board of Trustees of each community college and public university campus to write a firearms policy that works best for

their community. The majority of the people, in fact 11, on the Education Committee voted to continue to leave it up to each individual college community in Maine to decide what is best for the safety and security of its students, staff, and faculty.

Representative **ESPLING** of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. I stand in opposition to the pending motion, and I'd like to speak just briefly on the impetus behind this bill, and why I submitted it, and why I stand before you today. I don't see this bill as a firearm issue, nor do I see it as an education issue. I see this as a women's rights issue, and I'll explain why. On our campuses, we are now living in a time, that this Ought Not to Pass perpetuates, that there are spots and places where people can't defend themselves. Now, whether you like guns or not, the bottom line is a small, concealed handgun creates an equality between a 100-pound woman and 225-pound attacker. As we perpetuate places, like this Ought Not to Pass does, it creates victim zones. So, when we call them gun-free zones, they're not gun-free zones, they're victim zones. Look, just this week there was an attack in London, a terrorist attack. And these terrorists in places, pick places where resistance to their attacks is minimum. I saw in a news story, and it has to do with this Ought Not to Pass because this creates the same kind of environment, I saw in a news story where people stepped out of a pub, and because the entire nation of England, City of London, where I've spent probably a year over the last 25 years, is unarmed, and they're prepared to be victims, we had, they had, people throwing pint glasses at terrorists because they're disarmed. Creates a disadvantage for good people. You know, since 1950, all but four public mass shootings in America have taken place where general citizens are banned from carrying guns. These mass shootings occur, like in Europe, in gun-free zones. And Europe is no stranger to mass public shootings. So, when we deal with these issues, they're not just gun issues. This bill went to Education instead of Criminal Justice. It's actually, the impetus behind all this is Article I, Section XVI of the Maine State Constitution, which says, it shall never be questioned, and this Ought Not to Pass questions that. That's really what's behind this bill. It just makes it difficult to think about places like our universities or community colleges. My daughter -- I put this bill in, one of the reasons is -- my daughter's just finishing up at community college, and is going to be heading to the University of Maine. I want her to be able to protect herself wherever she goes, and not have to be open to be a victim in certain places that we deem as a society are okay to be a victim, and that's why I did it. And, I hope you defeat this Ought Not to Pass and move the Ought to Pass. Thank you, Madam Speaker.

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

ROLL CALL NO. 247

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Ginzler,

Golden, Grant, Grohman, Hamann, Handy, Harlow, Harvell, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pickett, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Espling, Farrin, Foley, Gerrish, Gillway, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stetkis, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Fredette, Lockman, Sanderson, Winsor.

Yes, 90; No, 56; Absent, 4; Excused, 1.

90 having voted in the affirmative and 56 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-211)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Municipalities To Opt Not To Enforce the Maine Uniform Building and Energy Code"

(H.P. 966) (L.D. 1392)

TABLED - May 24, 2017 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **ESPLING**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I was happy to submit this bill on behalf of one of the code enforcement officers that's in my district. He was, at the time, a code enforcement officer for Poland. He worked with other enforcement officers as well on trying to bring this forward. We had some issues with the original piece of legislation, and then he worked really hard with the committee to bring forward what could be before the body if we defeat this motion. It's just a simple way for towns to have more flexibility in which codes they adopt, as every town is different. We've had these bills before, I realize that, and I realize the objections to making changes to MUBEC. However, I do think you're going to continue to see these bills come forward, as it is very onerous for some communities to be able to adopt some of these codes, specifically the pieces of the codes in the energy code. This compromise approach would simply allow a community, if they chose to, to withdraw from the energy portion of the code. So everything else would

remain in place. They would have to affirmatively do that within their local community. And the testimonies seem to suggest that regardless, of what we do with the code, many builders, contractors, and especially commercial contractors will continue to build to the highest of standards, including the high standards within the energy code. This just allows some of communities, especially maybe home building where some of the energy codes are more difficult for the community to adopt, to have that opportunity to have a meeting and decide if their town wants to withdraw. And the testimony seemed to suggest that probably most towns would opt to continue as they are, but I think it's a good tool to give to our towns, our local municipalities. Let them make the decision, and if it's good for them, they'll continue doing it. And the testimony is, overall, is that people think it's probably a good thing, but we have had problems with the code in the past and I think giving them this option will be very helpful. And I encourage you to defeat the motion because I do think that these things will continue to come back. We felt that this was a good way, a good direction to move in for now to sort of settle the issue. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. Right now, if you just meet code, you are building the worst possible building you can build, legally. This bill asks that we allow communities to build even worse buildings than that. What we are asking for, I think, is that the Uniform and the Universal Building Code, Uniform Building Code, is actually uniform. So, not a piece-work by community, but a Uniform Building Code that's for the health of the community, for the health of the building profession, and also for the health of everyone who lives in those buildings. So, I ask you to vote Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Madam Speaker. With all due respect to my Republican Assistant Leader, I would like to rise in support of the pending motion. Madam Speaker, often the intent behind proposed legislation is to allow municipalities to not enforce MUBEC. It speaks to the sentiments of home rule and self-determination and smaller government, and these are important principles, but they fail to capture the greater good provided by a statewide building code, which is enhanced public safety, economic development, return on investment through energy efficiency, and smart design. Building codes are progressive documents which are revised and updated every three years to capture information based on the collective experiences of design professionals, public safety officials, and commercial builders such as myself. They investigate past building failures and incorporate new research to improve building performance and survivability. The building code provides requirements which are considered a minimum standard, without which there can be dangerous and potentially fatal consequences. The professional engineering experience of our members and the Associated General Contractors have shown without a statewide mandate enforcement of code provisions by design professionals is extremely difficult, and code decisions are often left to local officials, such as my colleague's constituent, who may or may not be trained or qualified to make these determinations. Over 40 states have adopted the same code that was cited by the MUBEC legislation currently enforced in the State of Maine, including every New England and northeastern state.

Elimination or weakening of these standards, Madam Speaker, would make Maine an outlier. Building codes provide more than just safety; they provide a foundation for sustainable economic development based on consistent and uniform requirements that streamlines the development process, as well as protects the value of both residential buildings and commercial properties by ensuring in design and construction that they follow a uniform and modern approach. Maintaining a strong statewide building code also removes the confusion and cost associated with redevelopment in existing buildings. On the residential side of the equation, a building code provides a measurable minimum requirement for how a home should be built. It sets the criteria for which all builders must follow, including myself, and in turn, serves to protect the largest investment most people will ever make in their lives. The energy requirements within MUBEC improve the energy efficiency of new homes, assuring that future heating costs will not break the back of the homeowner. Studies have shown that the added cost of a new home built per the code, when advertised on a 30-year mortgage, has an average payback of about three years. Building energy efficient homes seems to make sense when we consider the tens of millions of dollars spent in heating oil assistance during the winter. We've already invested, Madam Speaker, tens of thousands of dollars to develop the legislation, the amendments, the rulemaking, and training necessary to adopt and enforce the building code. And, if we truly want to attract business and investment to our state, we must be forward-thinking in all areas of our governance, including the implementation and enforcement of a statewide building code. We should not turn our backs on this code and the progress we've made to the state. Perhaps that is why the following organizations testified in opposition to this bill: the Maine Association of Realtors; the Maine Indoor Air Quality Control Council; the Maine Audubon Society; the American Chemistry Council; the Associate General Contractors, of which I belong; the American Councils of Engineering Companies; GrowSmart Maine; the Retail Lumber Dealers Association of Maine; and State Farm Insurance. Thank you, Madam Speaker.

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

Representative **TUELL**: Thank you, Madam Speaker. I rise in opposition to the pending motion and agree with much of what the Representative from New Gloucester said. I would add to this that, sometimes, and we found this out earlier this morning, that local control isn't a convenient decision to be making, as we found out a few minutes ago on another issue. But local control is one of the prized pieces of our state Constitution. And sometimes we all, sometimes on this side, sometimes over yonder, forget about that, and I just encourage everyone to take the party hat off for just a few minutes and realize that our communities know, far better than any of us in this room, what's best for their own community, whether it's guns, farming, economic development, right on down the line. I mean, and that's hard for us to sometimes get our heads around, but I try to be faithful to that, and I'm going to be with this vote, as I have in the past on this issue and as I have on other issues, today and in past days. Thank you, Madam Speaker and I encourage you to vote the pending motion down.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I rise in opposition to the Ought Not to Pass Motion. As a self-employed carpenter in rural Maine for almost 30 years, I'm

intimately familiar with the MUBEC, Maine Uniform Building and Energy Code, that came into being in 2008. In this room, this year, we've heard many bills in an attempt to address several different issues with our very old housing stock here in Maine. We currently have what seems to be dozens of taxpayer-funded programs, such as lead paint remediation, repairs and upgrades for seniors and the disabled, clean well water, not to mention all the things that Efficiency Maine provides. I think with all these supports for people who can't afford them themselves, we would think that this reflects the fact that building and repairs are, no doubt, expensive. There are parts of our state that an extra 10 to 20 to 30 percent to the cost of renovations of their house or their new construction to homes is not a deal-breaker. But I'll tell you personally, I've witnessed in many parts of our state that even a few hundred bucks can be the difference in making moderate upgrades or none at all. Under the current strict energy standards, not to mention potential tens of thousands added to the cost of new homes. This bill allows for each municipality to opt out of only the energy portion, I repeat, only the energy portion, of Maine's building code. This has zero effect on structural integrity or safety standards; only the energy portion. If your community likes your codes the way they are, they can keep them by doing absolutely nothing. Only towns wishing to change need to act. By allowing towns that find it in their best interest to opt out of just the energy portion of the code, like this bill does, can make new building and renovation projects much more affordable for new families, seniors, and everyone in between. This will not only allow more families into new homes and allow for more renovations, but can also make taxpayer-funded programs stretch their dollars and help even more people, as they were originally designed. I'd ask that we would vote down this motion so that we can support our local communities and allow more people into better housing. Thank you.

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

Representative **CASÁS**: Thank you, Madam Speaker. I wanted to know if I could pose a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **CASÁS**: Thank you, Madam Speaker. The question is, does this apply to only residential construction or to buildings that could be considered, quote, "public buildings?"

The SPEAKER: The Representative has posed a question through the Chair to anyone who can answer. The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker. The building code, the Maine Uniform Energy Code, is for all buildings, public or residential, commercial, institutional. There is one other thing I would like to say, is that I really doubt that any public money would be used for buildings that do not meet the energy code. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm a building contractor. I look at this as kind of a common sense thing, seeing that we have the oldest housing stock in the nation. Now, there's buildings that we go into that have the Building and Energy Code their town has adopted because there are over 4,000 residents. And, we get to tell the owners the cheerful news that their rafters are not deep enough to accept the proper insulation to meet the Building and Energy Code, and we're going to add 25 percent to the cost of your building. That's

great for the insulators, it's great for us contractors, we really like to have to give bad news like that. The floor joists might not be of proper size, so we have to add to them too, and then the wall studs are narrower because we have buildings that were built in the 1700s, 1800s. It's really good news to have to explain this to people. What this bill will do will allow municipalities to opt out of the energy piece so that we can rebuild some of these older buildings. Now, I've never had anyone come to me and say, "I want to build a really crappy building, Jeff. I want to build this building so it's not energy-efficient and put the poorest windows in you can." People do what they can in their means. And our code officer inspects the stairs and the windows and, you know, make sure that it's framed properly and there's the proper number of nails put in. That's part of the Life Safety Code, period. This bill just asks the towns if they want to, because there are some municipalities that might be 4,200, that have to have this code. They might want to get out of it. It would still take a vote of the town, they would have to put it on the town warrant at their annual town meeting or they'd have to put it to their city council and adopt it through a public process. This just gives them the ability to ask the local voters to do that, and I will not be supporting this motion.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **PECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's not too often that I get to rise and echo some of the comments made by the Representative from Dedham. In fact, we served on a committee in the 127th and I don't think we've had that opportunity very often, so I'm pleased to rise in support of the pending motion. I want to highlight a few things. MUBEC is overwhelmingly supported in a large degree by builders, contractors, developers, insurance companies, and others who value regulatory clarity and uniformity. We hear so often in this body and outside of this chamber about consistency for businesses, and MUBEC provides that consistency that businesses are looking for. In addition, it protects consumers by lowering heating and insurance costs for new homeowners who otherwise have no way of telling whether a building was built to code. And the AGC brought up a very good point, which is, you could have a contractor suggest they are building to a certain standard, and then not use the building products that would get them to that standard, and pocket the savings that they had by buying products that don't meet a high level of energy efficiency; and I think that ultimately would hurt consumers and not help them. Before MUBEC was adopted, as recently as 2005, 85 percent of new homes in Maine did not meet minimum energy efficiency standards for insulation. As stated before, this is a basic minimum standard for new construction similar to, and in some cases weaker than, minimum statewide efficiency standards in 41 other states. I ask that you support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Grignon.

Representative **GRIGNON**: Thank you, Madam Speaker. I rise today to say that I believe we need an energy code. My Republican values and everything kind of don't align with some of the thoughts on this, but we need an energy code. Because, my business, we do geothermal and install these in homes, and we go into these older homes and we try to do upgrades on them, and even new homes, that are not even two years old, we are putting blower door tests on these homes and we're finding that they're not meeting, nowhere near the recommendations we need to put our equipment in.

And we're finding that the cost savings when you've adopted an energy code are very significant, and returns on investment are huge when you have a home that is insulated properly and you don't have huge amounts of air infiltration; and Maine is very far behind. I hate to use Canada as an example, but one thing I like about what they have up there is they require, when you build a home, you have to support it with an energy mission, if you will. And if it's a 2,000-square-foot home it shouldn't be using 1,000 gallons of oil a year, it should be using somewhere around 300 or 400 gallons of oil per year. So, I support the idea of having an energy code. There are some things in it that I don't like. I don't like people told how to build their homes, but it's in the best interest when you build a home to save money, and energy is huge. You don't need to be wasting oil or anything, and what I tell people when they ask us about installing geothermal, I am like, whatever you put in for a heating or cooling system in your home -- it's obviously the biggest cost of operating your home is heating and cooling the home -- think about insulating it properly first. I don't care if you burn wood or whatever, just insulating and energy is very important. Thank you.

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

Representative **ESPLING**: Thank you, Madam Speaker. So, just to remind folks, this does nothing to repeal the Code. It simply gives towns the option, if they choose, to back out of just the energy portion of the Uniform Building and Energy Code. So, the Code will remain in place. Yes, we hope that people will build to the highest of standards. Commercial builders will continue to build to the highest of standards, regardless of who adopts what code. They will choose to do the code that's to the highest standard, I'm sure of that. Let's give communities the option, let's help folks that, you know, those homeowners that do want to do the best they can do, but they can't always afford to do exactly what we think they should do. Let's try to help them out. I think this is a good way to go and I hope you'll follow my light. Thank you.

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

ROLL CALL NO. 248

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

NAY - Ackley, Austin S, Bradstreet, Campbell, Casas, Cebra, Chace, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart,

Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Wood.

ABSENT - Lockman, Sanderson, Winsor.

Yes, 84; No, 63; Absent, 3; Excused, 1.

84 having voted in the affirmative and 63 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-199)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Efficiency and Accountability to Taxpayers in Personal Services Contracting"

(H.P. 520) (L.D. 740)

TABLED - May 24, 2017 (Till Later Today) by Representative BRYANT of Windham.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

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

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

ROLL CALL NO. 249

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

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

ABSENT - Grohman, Hogan, Lockman, Sanderson, Winsor.

Yes, 78; No, 67; Absent, 5; Excused, 1.

78 having voted in the affirmative and 67 voted in the negative, with 5 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-199)** 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-199)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (H-310)** - Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Recognize and Provide for the Right of Members of the Houlton Band of Maliseet Indians To Hunt Moose throughout Aroostook County

(H.P. 448) (L.D. 632)

TABLED - May 30, 2017 (Till Later Today) by Representative DUCHESNE of Hudson.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **BEAR**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise today opposing the present motion and urging that we go the other way today. This motion will deny the opportunity for Maliseet Tribal members to hunt moose based on our treaty right to do so. The Tribe is not here asking for a license per se, because we do have the right, and I say this because, and this may be some surprise these days in 2017 that we as a Tribe continue to speak this way, but it's the truth. Recently, there has been a settlement of a land claim by two southern tribes that we are well aware of, and in that, certain matters were agreed to. However, in that settlement, as Maine has now been informed by an independent study that Maine itself paid for, hunting rights survive the Maine Indian Claims Settlement Act. Treaty experts have also given testimony to committee and to members that treaty rights to hunt have survived the Maine Indian Claims Settlement Act, and that's the reason why this bill keeps coming forward over these sessions. This bill is asking for 25 moose. Last session, we were asking for 50. There was a lot of sympathy when, in the last session, we brought this bill, and it was suggested that perhaps we could all apply, and the formula, had we all applied according to statistics, we're now at 1,665 members in our Band in the Houlton area, that we would have received approximately 100 moose permits if that number had applied. What we're asking for is to be accommodated for a right that has become ever more evident that exists, and that, instead of asking us to apply like citizens of the state, that we be recognized for our unique legal status, our unique political status as a Tribe, as a Tribe that still exists. We exist in law, we exist politically, and we are just as sophisticated as a local government, capable of managing home rule with regard to the management of our responsibilities under the current laws that grant, from the State of Maine, authority to the Tribe to, right now, issue deer

and other wildlife harvesting permits, issuing to us fish harvesting permits, and we manage those. This bill merely proposes to add a small number to that. Now, it's likely we're not even going to hunt all 25 moose, but the State of Maine has said that it could do this, and I read from the submission at the public hearing from Mr. Jim Connolly, the Director of the Resource Management of IF&W: "The department could issue the requested 25 moose permits under the annual moose permit allotment." And, we would be subject to the regular seasons, sex, age, class, and moose and bag limits as anyone else. We are proposing to restrict the harvesting of the moose to our traditional harvest area, which is the Aroostook region. So, we would not be in Piscataquis County or Waldo County or Androscoggin County or in the south, we would stay in the St. John River watershed. We would manage that, and the only moose that would be allocated to us would be those that would be issued to the wildlife management districts in Aroostook County. They wouldn't deplete any of the harvest numbers that would be in the south or in all other counties. We would also be required to, and be subject to, all biological principles if there were a threat to the species, we would acknowledge that in our management as well. Now, in committee last session, we were even given a bag of permits and we were accommodated, but the point is that that's not the present method with regard to our authority under current laws to issue our fishing licenses or our deer licenses or what have you. Now, there's a good reason why we are asking to access this specific source of food and it's basically a health reason, it's a cultural reason, and not just a treaty-based activity that we wish to continue to pursue to maintain our culture. Chief Sabattis gave testimony at the public hearing, and the Chief points out that there are many factors that affect the health of our Tribal members. We have what we'll find in other population groups, coping strategies due to depression, alcohol, substance misuse, diabetes, heart disease, just to name a few. Now, if we are able to get out, with the state, celebrating in our continuing unique treaty and legal status, accommodating the newly found and confirmed treaty rights to hunt that survived the Maine Indian Claims Settlement Act, which the Judiciary, members in the Judiciary who are sitting in this chamber today will remember back in February of 2017, 2017 of this year, when you received a report from the Suffolk University Law Group that found and concluded in their independent study that these hunting rights continue to exist and they are still valid today. So, rather than go the route of well, let's go to court and let's become litigious, instead I urge us to go the other way, and that is to recognize that there are a lot of good reasons to agree to this modest proposal, that we oppose this motion and instead pass this very modest bill for 25 moose. You'll be saving, I suggest, double that amount or at least again that amount if we go the route I proposed for our people, because again, if we simply just apply for moose permits, it's likely we would secure upwards of 50 to 100 rather than the number of 25 that we're asking for in this proposal. So, we would also help with the health needs that I explained, and that the Chief had explained in the public hearing, and, more importantly, our Tribal hunters responded to provide testimony at the public hearing, and I will just conclude by pointing out where this tribal hunter, who descends from the Tomah family, Brian had come down, and he presented and he was talking about his three sons, age 15, 13, and 17. And he says, "my boys are the recipient and beneficiaries of the knowledge passed onto me by my great-grandfather, Philip Tomah, and my Elders, Irvin Polchies and Robert Polchies. I am passing the gift of hunting for pure protein, and the

knowledge of my people, onto my sons. I only ask that they be given this chance to continue to learn as Tribal hunters and not as a resident of the State of Maine in a lottery system set up to support hunting in Maine." What he's referring to is the statements of his family ancestors, where they have said, and I have a newspaper article here where they say that, "Our rights are granted to us by the Creator, not the State of Maine. We don't need to stand in line and ask permission when we already have a law, a superior treaty law," which incidentally is also recognized in Maine's Constitution as an obligation on the State of Maine. So, I have come down here as a Maliseet Tribal Representative, totally appreciating the opportunity to stand among you and to speak on these things. But, I have sensed that I have offended people in doing so, and I want to apologize. That's not my intent to offend. My intent is to bring our story and to remind us of our laws, our laws together, which we are mutually obligated to comply with to keep the peace, and to live good lives, and to apply them now in opposing this motion. The law is that we have a right to hunt. The Maine Constitution says that these treaty rights form part of the Maine Constitution and are part of the highest law of the land, Madam Speaker. So, I ask that that's what you have in mind when you consider this modest request. This is not, again, an affront to the offer of free licenses or the accommodating last session to us of a bag of licenses. In consulting with elders, it is important for us, it is important for us that the State of Maine recognizes the Tribe as a sovereign entity, as a sovereign government with legal rights, treaty rights, and that this gesture of accommodating this request can do so, and also help with our healing and also help us perpetuate our culture; and also, it's an opportunity for us to celebrate, to basically, instead of litigating these issues, whether it's water quality or fishing rights, to instead actually celebrate the uniqueness of our mutual histories together, history that has been very rich and is one of the longest shared histories as allies on earth today, still existing. So, those are my suggestions for all of us, that we oppose the motion, and that there's a good reason to support this modest request. Thank you very much, Madam Speaker.

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

Representative **RECKITT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to this motion and I request a roll call. Thank you.

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

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

The SPEAKER: The Chair recognizes the Representative from Greene, Representative Wood.

Representative **WOOD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The Attorney General's Office advises us to vote against this bill because it would be against the treaty that we had back in 1982.

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

Representative **DUCHESNE**: Thank you, Madam Speaker and Men and Women of the House. I do think that our legislative process may have failed the Tribe, and for that I would apologize. Matters of treaty rights, treaty rights typically would belong in the Judiciary Committee. In the IF&W Committee we don't do rights, we fish or cut bait. We had multiple work sessions on this bill and lengthy discussions. We did have a visit from the Attorney General's Office to discuss treaty rights, and would they apply here? We were advised

they did not in this case. And, what this bill did, should we go forward and enact this bill, you can see by the title it would recognize and provide for the right of members of the Houlton Band of Maliseet to hunt moose throughout Aroostook County. So, this bill asks this Legislature to recognize that right. So, short of recognizing this right, I think the committee was very sympathetic, probably would have pursued a number of different alternatives to perhaps be able to provide the opportunities for the Tribe, because we do support the Tribe and its rich history, the cultural need perhaps, to be able to harvest moose. I think we support the opportunities, but to establish a right was beyond the purview of our committee, and the majority of the committee landed on the side of Ought Not to Pass, which is where we stand now. So, thank you.

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

Representative BEAR: Thank you, Madam Speaker. The Attorney General is highly respected, and we often agree and then we often disagree. However, she is but one opinion and has a client, the State of Maine, and I can understand why she may make statements, but there's also new information I don't believe she would have included in her opinion when she considered it. And that is the independent study of the Suffolk University Law Group, as well as expert opinion evidence from the lawyers, who have been recognized by the courts in Maine as experts on the treaty on the Maine Implementing Act and on the Maine Indian Claims Settlement Act, who say that these federal and state acts did not end the treaty hunting or fishing, that these survived. Now, that's the evidence. Now, this is a political question. This is a political body, and we're going to make an accommodation in recognizing what we've already done before. In previous sessions, in the 126th, we passed laws that recognize the treaty. We passed laws that recognized our treaty right to fish commercially, and to access resources and resell them, and to accommodate for them in past Maine legislation. The Attorney General herself has provided an opinion that says, the treaty that I'm talking about, that the treaties mentioned in the Maine Constitution are still in full force and effect. You can't have it one way and also say the opposite thing. So, this is a political thing, and I understand the Attorney General's need to represent its clients, but I think that the interest of the state and its relation with the Tribe and all tribes, is to see beyond the potential conflicts and to say, "What's the right thing to do here?" And again, for many reasons, it's right to expose the Maine lottery for moose to less impact by accommodating this very small request than to say, "Look, Tribal members, all of you, go out and go ahead and access the lottery that all Mainers are subject to." So, again, and I appreciate what the chairman had just said about there being discussion. I was unaware of any meeting with the Attorney General, I wish I would have been there so that I could have discussed it with them and her in her presence, and I would recommend that that be the policy in the future, that whenever there are meetings by a committee that are not public, that the other parties, especially sponsors of bills, be present as well. That doesn't seem to be right. Thank you.

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

ROLL CALL NO. 250

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Brooks, Cardone, Cebra, Chace, Corey, Craig, Denno, Dillingham, Duchesne, Espling, Farrin, Fay, Foley, Fredette, Frey, Gattine,

Gerrish, Gillway, Ginzler, Golden, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Herbig, Herrick, Hilliard, Hubbell, Hymanson, Johansen, Kinney J, Kinney M, Kornfield, Kumiega, Longstaff, Luchini, Lyford, Malaby, Marean, Mason, Mastraccio, McElwee, Monaghan, Moonen, Nadeau, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pierce T, Pouliot, Reed, Sampson, Sanborn, Schneck, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Bryant, Campbell, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Doore, Dunphy, Farnsworth, Fecteau, Fuller, Grant, Hamann, Handy, Harlow, Hickman, Hogan, Jorgensen, Lawrence, Madigan C, Madigan J, Martin J, Martin R, McCrea, McCreight, McLean, Melaragno, O'Neil, Parker, Perry, Picchiotti, Prescott, Reckitt, Riley, Rykerson, Sheats, Spear, Stanley, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Zeigler, Madam Speaker.

ABSENT - Grohman, Head, Higgins, Lockman, Sanderson, Winsor.

Yes, 86; No, 58; Absent, 6; Excused, 1.

86 having voted in the affirmative and 58 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Bill "An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature"

(H.P. 599) (L.D. 850)

- In House, Report "A" (6) **OUGHT NOT TO PASS** of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** on May 17, 2017.

- In Senate, Report "C" (2) **OUGHT TO PASS AS AMENDED** of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-182)** in **NON-CONCURRENCE**.

TABLED - June 5, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **FURTHER CONSIDERATION**.

Representative MARTIN of Sinclair moved that the House **RECEDE**.

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

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 Scarborough, Representative Sirocki.

Representative SIROCKI: Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House. I rise in opposition to the pending motion, which may surprise some. When the good Representative from Sinclair, the Chair of the State and Local Government Committee, first introduced this bill as Ought Not to Pass, I disagreed. He said, "I have seen good bills and I have seen bad bills, but this is a terrible bill." My original bill was a good bill. As originally drafted, there was an oversight, which was corrected in the committee process with an amendment to include legislators, as, apparently, we were not considered "persons," as defined in the bill's language. Laws should apply evenly to all people, especially laws of this nature. The amended version before us, which is

presented and amended in the other body, targets one group of people: lobbyists. And while many lobbyists express "love" and support for my original bill, many have told me since that they are frankly, and understandably, insulted by the version before us. Madam Speaker, it is important that the material facts we receive are factual and are not purposefully misrepresented or omitted. We are not experts in every field. Our form of government is designed to value and protect the rights of the individual. Singling out and targeting specific groups is, I agree with the Representative from Sinclair, terrible. I urge you to oppose this amended version of the bill and any other amendments that seek to apply this law to any less than everyone. Thank you, Madam Speaker.

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

Representative **CASÁS**: Thank you, Madam Speaker. I'm just a little confused on which exact amendment we are voting on so, the question through the Speaker is, is it the other body's CB Report, is that correct, Madam Speaker?

The SPEAKER: So, right now in front of us is a motion that the House Recede. By Receding, the House would be accepting the other body -- the House would be taking a step back first, not accepting anything at this point. It would be moving back from our position.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. I think everyone's probably thoroughly confused. And so, I think there's a question here that I might pose through the Chair. I believe, if I may pose the question, the purpose in receding is simply to back the bill up so that an amendment could be added on to the bill, is my thought.

The SPEAKER: For the motion of receding can be used to accept another report, can also be used to put an amendment on as well. The member may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. At least, I want to make sure I understand what the good speaker from Scarborough, Representative Sirocki indicated, I just would ask a question through the Chair is, if the good Representative from Scarborough is not in favor of that, then we would be opposing this motion? And, I would ask that of the good Representative from Scarborough, if she chooses to answer that.

The SPEAKER: The Representative from Newport, Representative Fredette has posed a question through the Chair to the Representative from Scarborough, Representative Sirocki, should she choose to answer. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. I would be pleased to answer the question. I am opposed to the motion before us. I am not in support of the amended version, and I'm not in support of any amendment unless it would include every person, not just targeted groups.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, may I pose a question through the Chair for anyone to answer?

The SPEAKER: The Representative may proceed.

Representative **HICKMAN**: Thank you, Madam Speaker. In the original bill that was reported out of committee, there were three reports. There was an Ought Not to Pass, there was an Ought to Pass as Amended, and then there was another Ought to Pass as Amended Report. As I look on the record that is online, I do not see the amendment that was the

third amendment of the committee, which was Report "C." Is there anyone in this chamber who can tell me where I can find that amendment to look at, please?

The SPEAKER: So, first of all, the Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may answer. The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Madam Speaker, Report "C" is in fact Senate Committee "B." And Senate Committee "B," simply removes the provision of the bill that allows a member of a legislative committee to place a person under oath. If I may, Madam Speaker and Ladies and Gentlemen, I would urge you to support my pending motion, which is to Recede, so I can move forward with another motion. Thank you, Madam Speaker.

Representative **FREDETTE** of Newport moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair would advise the body that before an Indefinite Postponement motion can be made on the bill, first a motion to Recede or another motion as listed in your calendar here would have to be accepted. So, that motion is...the House will be at ease for just a moment.

So, I'd just like to explain where we are right now, and first of all, I would like to thank everyone for their patience in this. We, sometimes, as a new Speaker as we come across things for the first time, have to just step back and make sure that we are able to understand and interpret the rules correctly. My interpretation is that the Indefinite Postponement motion is Out of Order at this moment.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

Subsequently, Representative **FREDETTE** of Newport **WITHDREW** his motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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

ROLL CALL NO. 251

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

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

ABSENT - Campbell, Lockman, Sanderson, Winsor.

Yes, 77; No, 69; Absent, 4; Excused, 1.

77 having voted in the affirmative and 69 voted in the negative, with 4 being absent and 1 excused, and accordingly the House voted to **RECEDE**.

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

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

Representative **FREDETTE**: Thank you, Madam Speaker. I just, again, want to rise for a Point of Order in terms of, I believe the intent of the good Representative Martin is that he intends to add an amendment, so this is simply putting this in a posture to add his amendment?

The SPEAKER: The Chair would answer in the affirmative. The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker. I'd like to thank the good Representative from Sinclair for his amendment and I'm happy to support it.

The SPEAKER: There is no amendment before the body at the moment.

Subsequently, Report "C" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-182)** was **READ** by the Clerk.

Representative MARTIN of Sinclair **PRESENTED** House Amendment "A" (H-415) to Committee Amendment "B" (H-182), which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. House Amendment "A" is simply a housekeeping issue. It amends Committee Amendment "B" and it adds to the list of those who should not be submitting false testimony: members of the Executive Branch, Executive Branch officials. Thank you, Madam Speaker.

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

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

The SPEAKER: The member may proceed.

Representative **SIROCKI**: Could someone please read to me and this body the complete list of all people on this, as amended, the list of all parties involved.

The SPEAKER: The Representative from Scarborough, Representative Sirocki has posed a question to anyone in the body who may answer. The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. If you read Committee Amendment "B," Committee Amendment "B" would include to the list lobbyists and lobbyists' associates, and, with the adoption of the House Amendment that I am presenting, the Executive Branch members would be included. So, it would be members of the Executive Branch, Executive Branch officials, lobbyists and lobbyist's associates. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I rise in opposition to the pending motion. Without including members of the Legislature, I cannot support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. It's just about what I thought would happen when we first ran this bill, and that is, in this heightened, politically partisan environment, you allow members of opposition parties, whether they are from the Executive or legislators, or whoever, to put people under oath, you will end up building a wing on the AG's Office over there as we begin to bring perjury charges against one another. Now, whether we can make them stick or not will be irrelevant. That will be the cherry on the top. But, politically, you will make it. And second of all, the other language in this bill is, it says you cannot omit a material fact. You could literally put, how would you put someone under the clock on a \$6.9 billion budget and expect them not to omit a material fact. I can see how it would go in committee: "Excuse me, Chairs. I'm not done because I don't want to break the law."

The SPEAKER: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. There are times in this body in which we attempt to make a silk purse out of a sow's ear. This is clearly one of those times.

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

Representative **SIROCKI**: Thank you, Madam Speaker, and I appreciate the indulgence of the Ladies and Gentlemen of the House with me speaking so many times today. As the Representative from Sinclair said, initially, this is a terrible bill. This is now an even more terrible bill. But, what is really terrible is to be using this, in my opinion, as a political weapon, and I really disapprove, and I strongly urge a vote of opposition.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As I complete my fourth term here now, there has always been, I think, a precedence of comity amongst both sides of the aisle, in terms of moving paper between the bodies and each other. Clearly, the intent of the original author of this bill, the good Representative from Scarborough, Representative Sirocki, is no longer fulfilled, in what I understand from her speaking, and in fact now has gone way beyond that; and I find it to be troubling, in the sense that now her bill is getting used as a vehicle to do something far unintended from what she intended to do. And, I find that troubling, and I find it even more troubling that this body would go down that path, and so, I will make a motion again to end this debate and Indefinitely Postpone this matter. Can I, Indefinitely Postpone?

The same Representative moved that **House Amendment "A" (H-415) to Committee Amendment "B" (H-182)** be **INDEFINITELY POSTPONED**.

The SPEAKER: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Regarding this bill, this motion we have in front of us, and I need to be, I want to make sure I'm correct on this, so I'm posing a question through the Chair. It says that this amendment is being placed on House Amendment 415, I mean to C "B" (H-182) and the House Amendment that's being made by the good Representative from Sinclair, Mr. Martin, Representative Martin, is adding it to that. So, the C "B" (H-182) said that it was lobbyists and the lobbyists' associates that were involved in it, and it was also

removing, removing the portion where it said putting somebody, placing somebody under oath, which somebody just recently testified that would be a part of this but, that is excluded. That's not true if I'm reading this correctly. So, if the motion that was made for the amendment, for the amendment, if I'm understanding the amendment properly, then all that's being added to the lobbyists and lobbyists' associates is the Executive Branch. I believe I'm correct in that, and that the legislators are not involved in it, and that's the question I have. Is that what we have in front of us right now?

The SPEAKER: The Chair would answer in the affirmative and just clarify for all members. The motion in front of us now is Indefinite Postponement of House Amendment "A." House Amendment "A" is the amendment that the Representative from Sinclair offered, and that amendment adds Executive Branch employees and officials only to the Report.

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-415) to Committee Amendment "B" (H-182)**.

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 Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. Not to further confuse the issue, but as I read the original bill, the bill as amended by Committee Amendment "B", and now the bill as proposed to be amended by House Amendment "A" to Committee Amendment "B", there's a drafting error in the amendment that is in front of us from the floor of the House, because it does not define an Executive Branch employee as the original bill did, since that language was removed from the definitions section of the new section 491. And so, the way I read it is we're adding to the part two testimony, and if we were to engross the bill with the House Amendment, it would say a lobbyist or a lobbyists' associate and after the word associate, we would be adding "members of the Executive Branch," but that is not cross-referenced in any other part of this particular bill as it was in the original bill. And so, for that reason I feel as if the floor amendment isn't necessarily drafted with the intent behind it correctly. That's my opinion of how I read what's in front of us today. And for that reason, I will support the Indefinite Postponement of this amendment because I think it should be rewritten. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. I apologize for rising potentially a third time.

The SPEAKER: The member will defer. Since this is a different motion, you are not rising a third time. Just to specify. The member may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. Just want to call to your attention that the original bill did include officials in the Executive Branch, contrary to what the sponsor of the bill suggested. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-415) to Committee Amendment "B" (H-182). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 252

YEA - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington,

Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, 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, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Lockman, Sanderson, Winsor.

Yes, 71; No, 76; Absent, 3; Excused, 1.

71 having voted in the affirmative and 76 voted in the negative, with 3 being absent and 1 excused, and accordingly the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-415) to Committee Amendment "B" (H-182) FAILED**.

Subsequently, **House Amendment "A" (H-415) to Committee Amendment "B" (H-182) was ADOPTED**.

Committee Amendment "B" (H-182) as Amended by House Amendment "A" (H-415) 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**.

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

Representative **FREDETTE**: Thank you, Madam Speaker. This is just a bad bill and I'm going to request a roll call.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-182) as Amended by House Amendment "A" (H-415) thereto**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "B" (H-182) as Amended by House Amendment "A" (H-415) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 253

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, 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, O'Neil, Parker, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan,

Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Bickford, Lockman, Sanderson, Winsor.

Yes, 76; No, 70; Absent, 4; Excused, 1.

76 having voted in the affirmative and 70 voted in the negative, with 4 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-182) as Amended by House Amendment "A" (H-415)** thereto in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-395)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create Education Savings Accounts for Maine Students"

(H.P. 794) (L.D. 1131)

TABLED - June 5, 2017 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - Motion of Representative KORNFIELD of Bangor to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette, and inquires as to what his Point of Order is.

Representative FREDETTE: I'd just like some clarification. I believe I heard the Speaker say the 38th matter of Unfinished Business. The board says "30," so I just want to make sure we're consistent with what we're voting on.

The SPEAKER: The Chair will answer that I laid before the House the 30th matter of Unfinished Business.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-383)** - Minority (6) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Substance-exposed Infants"

(H.P. 746) (L.D. 1063)

TABLED - June 5, 2017 (Till Later Today) by Representative HYMANSON of York.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative CHACE: Thank you, Madam Speaker. Missing our chair lead today, so I'm going to speak on her behalf. I'm opposing this motion because of the fact that this bill provides presumptive eligibility, which is a dangerous factor. These folks can go into these care services, receive treatment and payment under the Medicaid system under presumptive eligibility, and it's possible that they are not eligible patients. So, therefore, these health care systems can rebill Medicaid after the fact if they find out that the patient is

covered, so for that reason I move that we go against this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Hamann.

Representative **HAMANN**: Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion. We all agree that this Legislature must do something about the growing incidence of babies born exposed to opiate and other substances. LD 1063 is a prevention-based approach to this public health crisis, an approach that will give women dealing with addiction the tools they need to avoid unintended pregnancy. Among women with substance use disorder, more than 85 percent of pregnancies are unintended. Women dealing with active addictions simply aren't able to effectively prevent pregnancy in the midst of their chaotic lives. The result is too many babies born with substance exposure. A simple solution to this is to give women more effective ways to prevent pregnancy. The amendment proposes three related approaches to increasing access to the most effective contraceptive methods for the most vulnerable women, including women with substance use disorder. These are: making it easier for eligible women to access the MaineCare limited family planning benefit by utilizing the same streamlined method of determining eligibility that's available to women if they become pregnant; second, ensuring that women who have lost their pregnancies, who have their pregnancies covered by MaineCare, have the option to receive the most effective contraceptive method before they leave the hospital, an approach that's been shown to dramatically reduce the risk of second unintended pregnancies; and third, increasing family planning outreach to women at risk of giving birth to a substance-exposed baby. In other words, long-acting, reversible contraceptives, or LARCs, are extremely effective because they eliminate the risk of human error. Methods like IUDs and subdermal implants are the most effective birth control available; more effective than a vasectomy or tubal ligation. They are effective for as long as ten years and are completely reversible when the time is right to become pregnant. In the past, the problem with LARCs has been the cost, which has put them out of reach for many women, particularly those without insurance. Two years ago, the 127th Legislature enacted legislation directing the Department of Health and Human Services to join 25 other states in creating a limited family planning benefit in the state Medicaid program, to provide Medicaid-covered family planning services to a larger population of uninsured individuals. The MaineCare family planning benefit targets women who are not currently eligible for MaineCare coverage, but who would be eligible if they become pregnant. The limited family planning benefit helps these women avoid unintended pregnancies. The program improves the health of women and their families and reduces the rates of unintended births and abortions, and saves Maine millions of dollars in MaineCare and other public benefits. The program began in late 2016. As implemented by the Department, there are considerable administrative barriers to getting an individual's family planning services covered. For women who are dealing with addiction, these barriers are almost insurmountable. LD 1063 provides a simple solution to eliminate these barriers, a solution that's already available to women if they are seeking pregnancy-related services: presumptive eligibility. Presumptive eligibility is already available to these very same women if they are pregnant. Pregnant women can go to a federally qualified health center, or a family planning health center, and have the health center

staff determine their eligibility for temporary benefits, giving the women time to complete the full eligibility process for full benefits. This allows women to give, to have her health care covered that day, rather than waiting for an eligibility determination at some point in the future. Presumptive eligibility is crucial in ensuring that women who are seeking contraceptive care can get it right away, instead of having to wait weeks for an eligibility determination. Most of the other states with similar limited family planning benefits are using similar approaches to streamline enrollment in the benefit, because it is to everyone's benefit for couples seeking birth control to get that birth control when they need it, not 90 days later. Opponents of this approach might say that offering presumptive eligibility for family planning benefits is unnecessary or bad policy. But let's be clear, we are talking about a group of people who are already provided presumptive eligibility for MaineCare services when they're pregnant. The eligibility guidelines are exactly the same for pregnancy-related coverage and for family planning services. The goal of presumptive eligibility for pregnancy-related care is healthier pregnancies, healthier mothers, and healthier babies. The health care is too important to send them home to wait for an eligibility determination. Presumptive eligibility for family planning services serves that goal as well. This is something concrete and effective that this Legislature can do, right now, to reduce the number of babies born affected to substances like opioids and alcohol. Thank you, Madam Speaker.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I want to make sure you understand that the title of this bill has been changed to "An Act To Reduce the Number of Substance-exposed Infants." So, this is a bill that would allow women the choice of having a baby when they are under the terrible influence of substances and they can't afford it. So, it would give them the choice and the chance to have appropriate contraception, so that they don't have to have the shame and terrible experience of being pregnant when they don't want to, and they have a baby who is so affected. So, I urge you to support this motion.

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. 254

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

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley,

Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Malaby, Marean, Martin J, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Bickford, Lockman, Sanderson, Winsor.

Yes, 77; No, 69; Absent, 4; Excused, 1.

77 having voted in the affirmative and 69 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-383)** 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-383)** and sent for concurrence.

An Act To Remove Barriers to Professional Licensing for Veterans

(H.P. 1096) (L.D. 1592)

(C. "A" H-307)

TABLED - June 5, 2017 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - **PASSAGE TO BE ENACTED**. (Roll Call Ordered)

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

ROLL CALL NO. 255

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

NAY - NONE.

ABSENT - Bickford, Harvell, Johansen, Lockman, Sanderson.

Yes, 145; No, 0; Absent, 5; Excused, 1.

145 having voted in the affirmative and 0 voted in the negative, with 5 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (S-183)** - Minority (1) **Ought Not to Pass** - Committee on **TAXATION** on Bill "An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program"

(S.P. 561) (L.D. 1597)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-183)**.

TABLED - June 5, 2017 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - Motion of Representative TIPPING of Orono to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-183)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-183)** in concurrence.

BILLS RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1125)

An Act To Increase the Penalties for Hunting Deer over Bait

(H.P. 761) (L.D. 1083)

(C. "A" H-148)

- In House, **PASSED TO BE ENACTED** on May 23, 2017.

- In Senate, **PASSED TO BE ENACTED** on May 24, 2017.

On motion of Representative TUELL of East Machias, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENACTED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-148)**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-148)** was **ADOPTED**.

The same Representative **PRESENTED** House **Amendment "A" (H-411)** to **Committee Amendment "A" (H-148)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-148) as Amended by House Amendment "A" (H-411) thereto was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-148) as Amended by House Amendment "A" (H-411)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Hanington, who wishes to address the House on the record.

Representative **HANINGTON**: Before everybody leaves, could I have your attention? Madam Speaker, Ladies and Gentlemen of the House, today marks the 73rd anniversary of D-Day, the Invasion of Normandy. For any of us that's served on foreign soil, have lost comrades in service, we know perfectly well what it's like to serve this country. I just ask that we could have a moment of silence this afternoon, Madam Speaker.

At this point, the Members of the House stood and joined in a moment of silence in honor of the 73rd anniversary of D-Day.

On motion of Representative HILLIARD of Belgrade, the House adjourned at 2:37 p.m., until 9:30 a.m., Wednesday, June 7, 2017, in honor and lasting tribute to Shirley A. Damren, of Belgrade.