

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
33rd Legislative Day
Tuesday, April 25, 2017

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

Prayer by Reverend Myrick Cross, St. Patrick's Episcopal Church, Brewer.

National Anthem by Sydney Anderson, Elm Street School, East Machias.

Pledge of Allegiance.

Doctor of the day, Brian Pierce, M.D., Camden.

The Journal of Thursday, April 20, 2017 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 523)

**JOINT RESOLUTION RECOGNIZING APRIL 2017
AS SECOND CHANCE MONTH**

WHEREAS, every person is endowed with human dignity and value; and

WHEREAS, redemption and second chances are American values; and

WHEREAS, an estimated 65 million American citizens have a criminal record; and

WHEREAS, individuals returning from prison and those who have paid their debts after committing a crime face a "second prison" of stigma and obstacles, also known as collateral consequences; and

WHEREAS, individuals with criminal histories encounter significant barriers such as an inability to find housing, employment or education, regain voting rights, volunteer in their communities, secure identification documentation and pay off substantial financial debt accrued as a result of conviction and incarceration; and

WHEREAS, these barriers can contribute to recidivism, which increases victimization, decreases public safety and results in lost human capital and economic output for communities; and

WHEREAS, the designation of April as Second Chance Month can contribute to increased public awareness about the "second prison," the need for closure for those who have paid their debts and opportunities for individuals, employers, congregations and communities to extend second chances; 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 April 2017 as Second Chance Month, and we urge citizens to observe this month through actions and programs that promote awareness of the "second prison" and provide closure for those who have paid their debts.

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

READ and **ADOPTED** in concurrence.

Bill "An Act To Promote Prescription Drug Price Transparency"

(S.P. 484) (L.D. 1406)

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

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

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

Non-Concurrent Matter

Bill "An Act To Address the Policies Relating to Substance Use in the Workplace"

(S.P. 413) (L.D. 1222)

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in the House on April 11, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Enhance Access to Affordable Health Care"

(I.B. 2) (L.D. 1039)

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** in the House on March 16, 2017.

Came from the Senate with the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 138)

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

April 21, 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 23, "An Act To Provide for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedures Act."

Under current Maine law, the Executive branch is authorized to work with the Federal government and form cooperative agreements where state agencies get paid by the federal government to implement federal rules and laws. This works well because state agencies have a better understanding about the needs of Maine citizens and businesses than the federal government. This bill will drastically change this process by stripping this authority from the Executive branch and giving it to the Legislature.

If this bill goes into law, there are many programs that could be negatively impacted. Some of these programs require frequent approvals of updated industry supported standards. How will the Legislature be able to keep up with these changes when they are in session for only part of the year? This bill could easily add years to programs to process, which could cost Maine industries millions of dollars in lost revenue.

For a long time the state has had successful cooperative agreements with many programs, including school lunch inspections, milk and dairy, forestry, potatoes, eggs and fruit and vegetables. Eggs and potatoes alone have at least a half-billion-dollar impact on the Maine economy, which is especially critical in struggling rural areas. There is no problem with the current system; therefore, the Legislature should not risk hurting businesses just to have a little more power.

For this reason, I return LD 23 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 for Legislative Review of Federally Mandated Major Substantive Rules under the Maine Administrative Procedure Act

(H.P. 24) (L.D. 23)

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

Representative **FREDETTE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, in reading the Chief Executive's veto, I can't help but concur with his message in regards to the potential for havoc that this may create at the state level, in regards to things that may happen at the federal level but then having to come down to the state. I think that the process particularly works well at this time, and I think the Chief Executive's veto is well written and I ask that you support sustaining the veto. Thank you, Madam Speaker.

Representative **MARTIN** of Sinclair **REQUESTED** that the Clerk **READ** the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Montville, Representative Zeigler.

Representative **ZEIGLER**: Thank you, Madam Speaker. Fellow Representatives, I presented this bill. This bill is simply a sunlight bill. It does not affect any processes between sessions. The rulemaking continues to go on. What it allows us to do as legislators is to review those rules that were made in the interim. It does not affect the Executive's ability to execute his duties. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Madam Speaker. Just to add to the information on this bill, it does provide only that the information on major substantive rulemaking from the Executive Departments comes to the Legislature. It does not add to the powers of the Legislature. It does not subtract from the powers of the Executive. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker. I question whether or not there's a quorum present and ask for a roll call.

The same Representative inquired if a Quorum was present.

The Chair ordered a quorum call.

The SPEAKER: The Chair recognizes the Representative from Chelsea, Representative Sanderson, and inquires why the member rises.

Representative **SANDERSON**: We have some Representatives in our seat who don't realize that the vote, that they may have pushed their button but the board was reset and they are now voting on quorum.

The SPEAKER: The Chair will specify that the open vote right now is for quorum call. There was initially a mistake when I opened the quorum call. It did read on the board initially the vote regarding the veto, but, in fact, this is quorum call right now.

More than half of the members responding, the Chair declared a Quorum present.

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. 44V

YEA - Ackley, Alley, Austin, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, 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, Pickett, Pierce, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker

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

ABSENT - Dillingham, Frey, Lyford, Perry, Picchiotti, Turner

EXCUSED - Doore

Yes, 77; No, 67; Absent, 6; Excused, 1.

77 voted in the affirmative and 67 in the negative and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 136)

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

April 25, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

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

On April 20, 2017

Adrian P. Kendall, Esq. of Cumberland for appointment to the Maine Rural Development Authority.

Pursuant to Title 5, MRSA §13120-D, this appointment is contingent on the Maine Senate confirmation after review by

the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

On April 24, 2017

Patricia A. Rice of Veazie for reappointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, MRSA §283-A, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Sincerely,

S/Sara Gideon

Speaker of the House

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

The Following Communication: (H.C. 137)

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

April 25, 2017

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

L.D. 245 An Act To Repeal the Affirmative Defense for Cruelty to Animals

L.D. 653 Resolve, To Establish a Working Group To Propose Changes to the Animal Welfare Laws

L.D. 758 An Act To Provide Free Admission for Permanently Disabled Persons at Maine State Parks

L.D. 760 An Act To Promote Safety with Respect to Touching Livestock or Other Animals

L.D. 828 An Act To Require a Veterinarian to be Present at an Agricultural Fair

L.D. 893 An Act To Improve and Protect Maine Organic Milk Producers

L.D. 982 An Act To Protect Abused or Neglected Animals

L.D. 1028 An Act To Improve Soil Quality and Profits for Maine Farms

Criminal Justice and Public Safety

L.D. 639 An Act To Require an Interstate Identification Index System Background Check for Certain Crimes

L.D. 640 An Act To Require an Ontario Domestic Assault Risk Assessment prior to Setting Bail in Domestic Violence Arrests in Which the Alleged Abuser Has Been Taken into Custody

Education and Cultural Affairs

L.D. 43 Resolve, To Establish the Task Force To Study Higher Education Attainment and Completion Goals

L.D. 987 Resolve, To Direct the Department of Education To Form a Study Group To Improve Public Education

L.D. 1074 An Act To Support Public Charter School Enrollment Options for Certain Students
Energy, Utilities and Technology

L.D. 405 An Act To Make Changes to the So-called Dig Safe Law

L.D. 802 An Act To Strengthen the Independence of the Public Advocate

Environment and Natural Resources

L.D. 469 An Act To Establish a Generally Applicable Regulatory Standard To Address Impacts of Sea Level Change and Increased Storm Surges

L.D. 739 An Act To Improve Beach-cast Seaweed Management for Health, Ecology and Tourism

L.D. 1081 An Act To Amend the Municipal Subdivision Laws Regarding the Exemption for Transfers to Owners of Abutting Land

Labor, Commerce, Research and Economic Development

L.D. 466 An Act To Protect Employees from Abusive Work Environments

L.D. 810 An Act To Allow Funeral Homes To Own and Operate Crematories

L.D. 811 An Act Regarding Continuing Education for Persons Engaged in the Practice of Funeral Service

L.D. 872 An Act To Establish Requirements Related to the Practice of Dry Needling

L.D. 954 An Act To Make Certain Contraception Available over the Counter

L.D. 1056 An Act To Protect Homeowners from Workers' Compensation Claims

L.D. 1155 An Act To Improve the Lives of Working Families

Marine Resources

L.D. 115 An Act To Protect the Marine Worm Industry
State and Local Government

L.D. 830 An Act To Authorize Portions of the City of Caribou to Secede and Form the Town of Lyndon

L.D. 876 Resolve, To Increase Pedestrian Crosswalk Safety

L.D. 1141 An Act To Make Election Day a State Holiday

Transportation

L.D. 636 An Act To Require the Department of Transportation To Use 3rd-party Certified Examiners for Lead Inspections

L.D. 1024 Resolve, To Direct the Secretary of State To Initiate the Process To Redesign Special Veterans Registration Plates

L.D. 1115 An Act To Establish a Specialty License Plate for Female Veterans

L.D. 1145 An Act To Allow the Department of Transportation To Recover Costs Incurred by the Department for Allowing Access to a Controlled Access Highway

Veterans and Legal Affairs

L.D. 961 An Act To Improve the Cost-efficiency of Funds Disbursed under the Maine Clean Election Act

L.D. 1102 An Act To Discourage Tenants from Damaging Rental Property

Sincerely,

S/Robert B. Hunt

Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Modernize the Laws Governing Maine Harness Racing"

(H.P. 1052) (L.D. 1532)

Sponsored by Representative MAREAN of Hollis.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits"

(H.P. 1033) (L.D. 1509)

Sponsored by Representative SAMPSON of Alfred.

Cosponsored by Senator MASON of Androscoggin and Representatives: BRADSTREET of Vassalboro, GERRISH of Lebanon, KINNEY of Limington, O'CONNOR of Berwick, SIROCKI of Scarborough, STETKIS of Canaan, TIMBERLAKE of Turner, WADSWORTH of Hiram.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects for Ratification by Voters in the June 2017 Election"

(H.P. 1034) (L.D. 1510)

Sponsored by Representative FREDETTE of Newport.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act To Authorize a General Fund Bond Issue for the Protection of Public Health and Marine Resources and To Achieve Cost Savings in State Facilities Owned by the Department of Marine Resources"

(H.P. 1035) (L.D. 1511)

Sponsored by Representative PIERCE of Dresden. (GOVERNOR'S BILL)

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

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

Sent for concurrence.

Bill "An Act To Protect the Health and Safety of First Responders"

(H.P. 1036) (L.D. 1512)

Sponsored by Representative HARRINGTON of Sanford.

Submitted by the Department of Public Safety pursuant to Joint Rule 204.

Bill "An Act To Provide Funds for Access to Federal Training Facilities for First Responders" (EMERGENCY)

(H.P. 1050) (L.D. 1526)

Sponsored by Representative CASÁS of Rockport.

Cosponsored by Representatives: BEEBE-CENTER of Rockland, DILLINGHAM of Oxford, LUCHINI of Ellsworth, TUELL of East Machias.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

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

Sent for concurrence.

Bill "An Act To Provide for Affordable Long-term Energy Prices in Maine"

(H.P. 1037) (L.D. 1513)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Representative: WADSWORTH of Hiram.

Bill "An Act To Provide Maine Landlords Advance Notice of Water Disconnection Postings"

(H.P. 1038) (L.D. 1514)

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

Cosponsored by Senator DION of Cumberland and Representatives: HARLOW of Portland, HARVELL of Farmington, O'CONNOR of Berwick, PICCHIOTTI of Fairfield.

Bill "An Act To Reduce Electric Rates for Maine Businesses by Amending the Laws Governing Spending from the Regional Greenhouse Gas Initiative Trust Fund"

(H.P. 1039) (L.D. 1515)

Sponsored by Representative WADSWORTH of Hiram.

Cosponsored by Representatives: HANLEY of Pittston, HARVELL of Farmington, O'CONNOR of Berwick.

Bill "An Act To Encourage Broadband Development through Private Investment"

(H.P. 1040) (L.D. 1516)

Sponsored by Representative WADSWORTH of Hiram.

Cosponsored by Representatives: HANLEY of Pittston, HARVELL of Farmington, O'CONNOR of Berwick.

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

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

Sent for concurrence.

Bill "An Act To Address Hunger, Support Maine Farms and Reduce Waste" (EMERGENCY)

(H.P. 1054) (L.D. 1534)

Sponsored by Representative HICKMAN of Winthrop.

Cosponsored by Senator SAVIELLO of Franklin and Representatives: ACKLEY of Monmouth, CASÁS of Rockport, GROHMAN of Biddeford, HAMANN of South Portland, MADIGAN of Waterville, MAREAN of Hollis, MARTIN of Eagle Lake, Senator: BREEN of Cumberland.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested.

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

Bill "An Act To Ensure Access to Behavioral Health Services"

(H.P. 1041) (L.D. 1517)

Sponsored by Representative PERRY of Calais.
Cosponsored by Senator CHIPMAN of Cumberland and Representatives: CHACE of Durham, DENNO of Cumberland, MALABY of Hancock, MARTIN of Eagle Lake, TALBOT ROSS of Portland, Senator: KATZ of Kennebec.

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

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

Sent for concurrence.

Bill "An Act To Formalize the Governance of the Maine Educational and Attainment Research Navigation System, a Longitudinal Data Series for Workforce Information"

(H.P. 1042) (L.D. 1518)

Sponsored by Representative VACHON of Scarborough.
Cosponsored by Representatives: AUSTIN of Gray, LOCKMAN of Amherst, MASTRACCIO of Sanford, STETKIS of Canaan, Senator: LANGLEY of Hancock.

Submitted by the Department of Labor pursuant to Joint Rule 204.

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

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances"

(H.P. 1043) (L.D. 1519)

Sponsored by Representative DEVIN of Newcastle.
Cosponsored by Senator VITELLI of Sagadahoc and Representatives: ALLEY of Beals, BLUME of York, Speaker GIDEON of Freeport, HUBBELL of Bar Harbor, KUMIEGA of Deer Isle, McCREIGHT of Harpswell, SIMMONS of Waldoboro, SPEAR of South Thomaston.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Create an Aquaculture License"

(H.P. 1044) (L.D. 1520)

Sponsored by Representative DEVIN of Newcastle.
Submitted by the Department of Marine Resources pursuant to Joint Rule 204.

Committee on **MARINE RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **MARINE RESOURCES** and ordered printed.

Sent for concurrence.

Bill "An Act To Modernize the State's Procurement Laws"

(H.P. 1055) (L.D. 1535)

Sponsored by Representative PICKETT of Dixfield.
Cosponsored by Senator DAVIS of Piscataquis and Representatives: HARRINGTON of Sanford, ORDDAY of Standish.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Amend the Property Tax Laws"

(H.P. 1045) (L.D. 1521)

Sponsored by Representative HILLIARD of Belgrade.
Cosponsored by Representative: BICKFORD of Auburn.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Authorize a Local Option Sales Tax"

(H.P. 1046) (L.D. 1522)

Sponsored by Representative SYLVESTER of Portland.
Cosponsored by Senator LIBBY of Androscoggin and Representatives: ACKLEY of Monmouth, CASÁS of Rockport, HUBBELL of Bar Harbor, MADIGAN of Rumford, RYKERSON of Kittery, TERRY of Gorham, WARREN of Hallowell, Senator: CHIPMAN of Cumberland.

Bill "An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents"

(H.P. 1057) (L.D. 1537)

Sponsored by Representative POULIOT of Augusta.
Cosponsored by Senator DOW of Lincoln and Representatives: HILLIARD of Belgrade, STANLEY of Medway.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Exempt Motor Vehicles Less than 12 Years Old from Inspection"

(H.P. 1047) (L.D. 1523)

Sponsored by Representative CEBRA of Naples.
(GOVERNOR'S BILL)

Bill "An Act To Amend Maine Motor Vehicle Laws"

(H.P. 1048) (L.D. 1524)

Sponsored by Representative HANINGTON of Lincoln.
Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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

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

Sent for concurrence.

Bill "An Act To Clarify the Laws Governing Alcohol Manufacturer Licenses"

(H.P. 1049) (L.D. 1525)

Sponsored by Representative LUCHINI of Ellsworth.
Cosponsored by Senator SAVIELLO of Franklin and Representatives: Speaker GIDEON of Freeport, GUERIN of Glenburn, HUBBELL of Bar Harbor, PIERCE of Falmouth, SANBORN of Portland.

Bill "An Act To Update the Laws Relating to Liquor Licensing and Enforcement"

(H.P. 1053) (L.D. 1533)

Sponsored by Representative LUCHINI of Ellsworth.
Cosponsored by Representative: DILLINGHAM of Oxford.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Bill "An Act To Allow Maine Manufacturers To Sell Products for Off-premises Consumption at Taste-testing Events and Farmers' Markets and To Allow Taste Testings at Farmers' Markets"

(H.P. 1056) (L.D. 1536)

Sponsored by Representative HICKMAN of Winthrop.
Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 204.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent for concurrence.

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

(H.P. 1051) (L.D. 1527)

Sponsored by Representative PERRY of Calais.
Cosponsored by Senator MAKER of Washington and Representatives: DENNO of Cumberland, SANDERSON of Chelsea, TUELL of East Machias.

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested and ordered printed.

REFERRED to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative LUCHINI of Ellsworth, the following Joint Order: (H.P. 1058)

ORDERED, the Senate concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the House, a resolution amending the Constitution of Maine regarding the direct initiative process.

READ and **PASSED**.

Sent for concurrence.

**REPORTS OF COMMITTEE
Change of Committee**

Representative MOONEN from the Committee on **JUDICIARY** on Bill "An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions"

(H.P. 861) (L.D. 1238)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Sent for concurrence.

Ought to Pass as Amended

Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies"

(S.P. 10) (L.D. 6)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-22)**.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-22) AS AMENDED BY SENATE AMENDMENT "A" (S-40)** thereto.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-22)** was **READ** by the Clerk.

Senate Amendment "A" (S-40) to Committee Amendment "A" (S-22) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-40) 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**.

On motion of Representative BROOKS of Lewiston, **TABLED** pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-40)** thereto and later today assigned.

Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Lower the Age Requirement To Carry a Concealed Handgun"

(S.P. 24) (L.D. 44)

Signed:

Senators:

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

Representatives:

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

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

Signed:

Representative:

- GERRISH of Lebanon

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Promote Physical Activity for Schoolchildren" (S.P. 119) (L.D. 378)

Signed:
Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

KORNFIELD of Bangor
GINZLER of Bridgton
McCREA of Fort Fairfield
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

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

Signed:
Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
PIERCE of Falmouth

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

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

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Require the Use of Personal Flotation Devices in Canoes" (S.P. 108) (L.D. 342)

Signed:
Senators:

CYRWAY of Kennebec
CARPENTER of Aroostook
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
THERIAULT of China

WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-32)** on same Bill.

Signed:
Representative:

HARLOW of Portland

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

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-36)** on Bill "An Act To Use State Employees and Resources for Transportation Bond Projects" (S.P. 316) (L.D. 960)

Signed:
Senator:

MIRAMANT of Knox

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

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

Signed:
Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

CEBRA of Naples
GILLWAY of Searsport
PARRY of Arundel
PERKINS of Oakland

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

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-36)** 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-36)** in **NON-CONCURRENCE** and sent for concurrence.

Six Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-38)** on Bill "An Act To Require Certification under the United States Environmental Protection Agency's Lead Renovation, Repair and Painting Rule" (S.P. 143) (L.D. 441)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford

BATES of Westbrook

HANDY of Lewiston

MASTRACCIO of Sanford

SYLVESTER of Portland

Six Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

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 Report "B" **OUGHT NOT TO PASS READ and ACCEPTED.**

READ.

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

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

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 Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. Although this bill is no doubt based on good intentions, I believe we have many more pressing issues in our state. The committee heard from the Maine State Department of Environmental Protection, of the cases of lead poisoning in the State of Maine. Only 15 percent, 31 cases, involved renovations between the years of 2011 and 2015. Only five of those cases involved contractors over those four years. Private renovators, homeowners, do-it-yourselfers, they accounted for more than five times as many cases, 26 of the 31 over that same four-year period. All this under current law. This amendment just directs contractors to follow federal law, which, of course, they are already doing. The amended bill, with a fiscal note of almost \$200,000, sets up a new position and program within the DEP to basically address a situation that affected five people in a four-year period, just two percent on all lead poisonings in Maine under current state and federal law. We currently have about as many drug overdoses in a single week as this bill attempts to address in lead poisonings over a four-year period. I would hope we would concentrate our efforts in those areas and vote down this motion. Thank you.

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

Representative **HANDY**: Thank you, Madam Speaker, Women and Men of the House. My home town of Lewiston has the highest rate of lead poisoning, not just in the State of Maine, but in the country. You might want to call it our own love canal or Flint, Michigan. We cannot stand by and watch family after family after family have their children tested for lead to find out that they have tested positive. We need additional qualified people to abate the lead problem in my city and those cities in our state with old housing stock. I'm not ready to sit back and take a backseat to this. This is the most important legislation. We need to enforce the EPA rules and we need to do it for the protection of our children. Thank you, Madam Speaker.

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

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House. We have a small problem with lead poisoning and it's called measuring. If you look at the years starting in 2011, the number of cases that have been investigated by our State of Maine is fairly small and it's because we're not accurately measuring them. What I can tell you that I know is that children are particularly susceptible to exposure from tiny amounts of dust that are created through renovation. The amount that you could hold on a fingertip will cause a child to lose an average of five IQ points. Who pays for this? Well, I would say that children and their families here in the State of Maine pay, but when those children show up at public school, we all pay. The reality in this building is that we spend an awful lot of time investigating how we can make our schools more effective, whether that be through looking at teachers, looking at administration, looking at infrastructure, and the big question that we have not spent nearly enough time on is, how we can better prepare kids to come to school?

The SPEAKER: The member will defer. The Chair recognizes the Representative from Dixfield, Representative Pickett, and inquires as to why he rises.

Representative **PICKETT**: Thank you, Madam Speaker. Would the Speaker please direct the good Representative to address you rather than the opposite side of the aisle?

On **POINT OF ORDER**, Representative **PICKETT** of Dixfield asked the Chair to remind Representative **ACKLEY** of Monmouth to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair will remind all members when speaking to address the Chair. The member may proceed.

The Chair reminded all Representatives to address their comments toward the Speaker.

Representative **ACKLEY**: Fair enough. Madam Speaker, I appreciate the concern about making sure that folks who are in the business of renovation can do so effectively. But the reality of this bill is that renovation is part of the problem in terms of creating lead dust from old homes. And so, I ask the members to support the measure today.

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

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, I don't want to exhaust this debate, I just want to point out a few facts. Fact number one, the folks from the Environmental Protection Agency came before our committee and they stated that, in fact, though, federal law is rarely enforced. And so, what this Amendment does, it provides funding to train folks to conduct abatement in old housing stock. Fact number two is that Maine has over

350,000 homes that were built before 1978 and over 150,000 that were built before 1950. What we know about old housing stock is it is likely that there is lead paint in these homes. And Representative Ackley made a strong point as well regarding children. The CDC, in 2012, said that children, there is no safe level of lead exposure for children. Zero, absolutely none. And so, with all that in mind, I think this is a very reasonable measure to make sure that more folks are trained in lead abatement so that they can make sure that old housing stock in Maine is safe for our children and the future of our state. Thank you.

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

Representative **BATTLE**: Thank you, Madam Speaker. Rumor has it that the reason we're all here is because we're not all there. So, I don't know how much we've been exposed to lead growing up ourselves. But I do know that in my experiences I have seen it firsthand and, it could be progressive. And when you see a child that's smiling and happy and moving about their life normally, and then you start noticing some of the side effects, I think anything we can do to prevent it, to help these children, we should. Please and 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 wasn't going to speak on this but I am a licensed lead instructor. Most restoration people who do renovations actually have their lead licenses. We get a break on our insurance for having lead licenses and having supervisors. There is a problem in Lewiston. It's old houses that have been neglected by the landlords, that have been neglected by the housing authorities that allow people to move in there. That's why they're an outlier in the country. You don't see that in Augusta. You don't see it in Bath. These housing authorities take money from the Federal Government Federal Housing Authority. They are supposed to be making sure that these are lead free. So, it's really a fall down or lapse of inspections by the housing authorities that are creating the lead crisis in Lewiston. These are facilities that have not been painted, have not been renovated and are dilapidated. That's why they're the outlier. Thank you. I'll be opposing this motion.

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

ROLL CALL NO. 45

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Pierce T, 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, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard,

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

ABSENT - Campbell, Dillingham, Frey, Lyford, Perry, Picchiotti, Turner.

Yes, 77; No, 66; Absent, 7; Excused, 1.

77 having voted in the affirmative and 66 voted in the negative, with 7 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

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

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-62)** on Bill "An Act To Improve Safety in the Disposal of Expired Marine Flares" (H.P. 185) (L.D. 252)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

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

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

Signed:

Representative:

GERRISH of Lebanon

READ.

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

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

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, this was an interesting bill, lively debated in our caucus this morning. I will be voting against the motion and I would ask for a roll call.

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

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

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

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. This bill establishes the Department of Public Safety to create a program to collect and dispose of expired marine flares. The problem with that is that the State Fire Marshal's Office has been offering this very service since 2004. Fire Marshal Thomas testified to this in committee and told us that anyone in the state can contact his office and they themselves will come and pick up the flares. These are not necessarily safe devices to be transporting around to our local fire departments and such. Fire Marshal Thomas also expressed great concern about the dangers of all kinds of people handling these flares. I think the main issue here is there are many Mainers all over the state with expired marine flares in their barns, their sheds, and they don't know that they can simply call the Fire Marshal's Office to come pick them up and bring them to the state incinerator. We do not need this bill to achieve this and it is an unfunded mandate. Thank you.

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

Representative **BATTLE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I'm going to ask you to support this bill. I've been the Harbor Master for the City of Portland and South Portland, and I cover southern Casco Bay all the way out to Jewell Island. I was a Deputy for 14 years; I've been the Harbor Master now going on now over a year. Every year, I get dozens, hundreds of calls or stopped along the way. People ask me, "What am I to do about flares?" I checked with local fire departments and I'm almost certain, at one point, I checked with the Fire Marshal's Office. I may not have, but I thought I had. And doing the same thing when I was in the Coast Guard. We have hundreds and hundreds of these things around the state that we need to properly dispose of and that's what this bill starts a program going forth, for safety sake, moving forward. Please support the bill. We need to clean this mess up before it becomes a major nightmare. Thank you.

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

Representative **KINNEY**: Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I have boarded hundreds of vessels representing the United States Coast Guard. A vessel is only required to have three flares onboard to meet the minimum federal requirements. When I ran across expired flares, I would tell the owner of his vessel, or her, "Please, you need to replace your flares. But please do not throw out or utilize your old flares because in an emergency, 20 or 30 flares at a time might not be enough to save your life." Thank you.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **MCCREIGHT**: Thank you, Madam Speaker. This bill started when I was asked a question by a Harpswell lobsterman who said, "What do I do with my expired flares?" And like most constituent questions, I thought I could answer it in a day, maybe two. But, what I discovered was, going online, talking with the agencies involved with boating, both commercial and recreational, the answers that are out there are incorrect, illegal, contradictory, and just plain wrong. So, I set about finding out what could be done. We have, as someone mentioned, we have basements, sheds, garages full

of expired flares because, as was also mentioned, you are required to carry them if you have a boat over 16 feet and for recreational boaters, if you are in certain waterways. So, in 42 months, they expire, you keep a few onboard. But if you've been fishing for 20 years or boating for 20 years, you have more than a few. You have dozens. And in the state, because these are required by state and Coast Guard federal law, we have thousands of them. Working with others interested -- recreational boaters, lobstermen, Coast Guard, Coast Guard Auxiliary, fire chief -- we came up with a proposal that I spoke to the Fire Marshal about on multiple occasions. He was very supportive. When it came to the hearing, he did testify against the specific plan that we had. So, we made an amendment, which he fullheartedly supported. I would add too that this was very carefully crafted to cost no money. So, I disagree that it is an unfunded mandate. The Fire Marshal, or the Department of Public Safety, owns a federal, an FDA approved incinerator. This is the best way to get rid of flares. All the information on websites tells you to do things that cause pollution, cause you to be unsafe. So, the Fire Marshal fully agreed. He didn't like the idea of them being taken to fire departments. He wants to pick them up. He will incinerate them in his FDA approved incinerator. He has magazines where he can store them until he's ready to incinerate them. But, I would also point out that he did mention that he's been able to do this; however, I can tell you from my dozens of conversations with boaters, with commercial fishermen, with harbor masters, with agency heads, no one knows about it. So, the second half of the bill requires the agencies, any agencies involved with boating, to put this on their websites. No additional cost, they already have websites. And the next time they print -- they're going to print anyway, so no additional cost -- the next time they print, to put this information there. I would also propose that this is important that this go into statute because as generous as our current Fire Marshal is about being willing to pick up flares, he won't be the Fire Marshal forever. So, we need this to be in statute for the protection of people and property and to protect the cost that could come from any disaster. Thank you very much.

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

Representative **KUMIEGA**: Thank you, Madam Speaker. I think the case for this bill has already been made. The previous speaker mentioned that the Fire Marshal has been accepting flares for disposal since 2004. Here we are 13 years later and nobody knows about it. Thank you, Madam Speaker.

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

ROLL CALL NO. 46

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Harrington, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, 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, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harvell, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Malaby, Mason, McElwee, O'Connor, Ordway, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dillingham, Frey, Lyford, Parry, Perry, Picchiotti, Turner.

Yes, 85; No, 58; Absent, 7; Excused, 1.

85 having voted in the affirmative and 58 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-62)** 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-62)** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Resolve, To Provide Grants to Law Enforcement Agencies To Acquire and Train Drug-detecting Dogs

(H.P. 416) (L.D. 600)

Signed:
Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
RECKITT of South Portland
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-63)** on same Resolve.

Signed:

Representatives:

GROHMAN of Biddeford
NADEAU of Winslow

READ.

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Create a Permanent Wabanaki Law Enforcement Seat on the Maine Criminal Justice Academy Board of Trustees"

(H.P. 524) (L.D. 744)

Signed:
Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-64)** on same Bill.

Signed:

Representatives:

WARREN of Hallowell
LONGSTAFF of Waterville
RECKITT of South Portland
TALBOT ROSS of Portland

READ.

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

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

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

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

ROLL CALL NO. 47

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, 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, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Malaby, Marean, Mason, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dillingham, Frey, Lyford, Perry, Picchiotti, Turner.

Yes, 75; No, 69; Absent, 6; Excused, 1.

75 having voted in the affirmative and 69 voted in the negative, with 6 being absent and 1 excused, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-64)** 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-64)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Ensure the 3 Percent Tax on Incomes over \$200,000 Is Distributed Proportionally Based on Student Counts"

(H.P. 288) (L.D. 397)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-52)** on same Bill.

Signed:

Representatives:

SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Require at Least a 30-minute Lunch Period for Students"

(H.P. 528) (L.D. 748)

Signed:

Senators:

MAKER of Washington
MILLETT of Cumberland

Representatives:

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

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

KORNFIELD of Bangor
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 to Pass** Report.

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

Representative **FREDETTE**: Yes, due to my understanding the Majority Ought to Pass Report was moved, I would request a roll call and would urge you not to support the current motion.

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

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

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

ROLL CALL NO. 48

YEA - Babbidge, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Daughtry, DeChant, Farnsworth, Fuller, Gattine, Golden, Hamann, Harlow, Herbig, Hickman, Martin R, McCREA, McCreight, McLean, Melaragno, Monaghan, Moonen, Parker, Pierce T, Reckitt, Riley, Rykerson, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Austin B, Austin S, Bailey, Battle, Bickford, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Cooper, Corey, Craig, Denno, Devin, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Grignon, Grohman, Guerin, Haggan, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Mason, Mastraccio, McElwee, Nadeau, O'Connor, O'Neil, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sherman, Simmons, Sirocki, Skolfield, Spear, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tipping, Tuell, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dillingham, Frey, Lyford, Perry, Picchiotti, Turner.

Yes, 42; No, 102; Absent, 6; Excused, 1.

42 having voted in the affirmative and 102 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative KORNFIELD of Bangor, the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-53)** on Bill "An Act To Exempt Certain Veterans from Hunter Safety Courses"

(H.P. 38) (L.D. 52)

Signed:

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
THERIAULT of China
WOOD of Greene

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

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

HARLOW of Portland
LYFORD of Eddington
STEARNS of Guilford

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-53)** 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-53)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Allow Dipping for Smelt on King Pond in Hancock County" (EMERGENCY)

(H.P. 144) (L.D. 188)

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

DUCHESNE of Hudson
HARLOW of Portland
MASON of Lisbon
REED of Carmel
STEARNS of Guilford
WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-54)** on same Bill.

Signed:

Senator:

WOODSOME of York

Representatives:

ALLEY of Beals
LYFORD of Eddington
NADEAU of Winslow

READ.

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

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought Not to Pass** on Bill "An Act To Allow for Charitable Donation Stops on Local Roads Only"

(H.P. 463) (L.D. 649)

Signed:

Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
CEBRA of Naples
GILLWAY of Searsport
GRANT of Gardiner
PARRY of Arundel
PERKINS of Oakland
SHEATS of Auburn

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

Signed:

Senator:

MIRAMANT of Knox

Representatives:

BRYANT of Windham
SCHNECK of Bangor

READ.

On motion of Representative McLEAN of Gorham, 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 Not to Pass** on Bill "An Act To Require Photographic Identification to Vote"

(H.P. 89) (L.D. 121)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-51)** on same Bill.

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

READ.

Representative LUCHINI of Ellsworth 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**: 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. 49

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Pierce T, 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, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - DeChant, Dillingham, Frey, Lyford, Perry, Picchiotti, Turner.

Yes, 76; No, 67; Absent, 7; Excused, 1.

76 having voted in the affirmative and 67 voted in the negative, with 7 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 **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-58)** on Bill "An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families"

(H.P. 572) (L.D. 792)

Signed:

Senators:

CARPENTER of Aroostook
COLLINS of York

Representatives:

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

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

Signed:

Senator:

MASON of Androscoggin

Representatives:

FARRIN of Norridgewock
WHITE of Washburn

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-58)** 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-58)** and sent for concurrence.

Nine Members of the Committee on **INLAND FISHERIES AND WILDLIFE** report in Report "A" **Ought Not to Pass** on Resolve, To Create the Commission To Study the Needs, Opportunities and Efficiencies Associated with the Production of Salmonid Sport Fish in Maine

(H.P. 334) (L.D. 471)

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

DUCHESNE of Hudson
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
REED of Carmel
STEARNS of Guilford
THERIAULT of China
WOOD of Greene

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-56)** on same Resolve.

Signed:

Senator:

WOODSOME of York

Representative:

ALLEY of Beals

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (H-57)** on same Resolve.

Signed:

Representative:

NADEAU of Winslow

READ.

On motion of Representative DUCHESNE of Hudson, Report "A" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Prohibit Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies"

(S.P. 10) (L.D. 6)

Which was **TABLED** by Representative BROOKS of Lewiston pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-40)** thereto.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-22) as Amended by Senate Amendment "A" (S-40)** thereto in concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 208) (L.D. 593) Bill "An Act To Update the Licensure Renewal Provision of the Board of Licensure in Medicine" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

(H.P. 462) (L.D. 648) Bill "An Act To Expand the Types of Nonprofit Organizations to Which Surplus Property May Be Sold by the State" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 605) (L.D. 856) Bill "An Act To Extend the Germination Testing Period for Cool-weather Lawn and Turf Seed from 9 to 15 Months" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 686) (L.D. 973) Bill "An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 741) (L.D. 1058) Bill "An Act To Modernize Ballot Notices for City Elections" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 835) (L.D. 1198) Bill "An Act To Enhance the Administration of the State's Group Health Plan" (EMERGENCY) Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 154) (L.D. 198) Bill "An Act To Protect Landlords from Lawsuits for Damage or Harm Caused by Assistance Animals" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-74)**

(H.P. 267) (L.D. 361) Bill "An Act To Ensure Fair Compensation for Licensed Insurance Agents" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-69)**

(H.P. 354) (L.D. 491) Bill "An Act To Extend the Allowed Time for the Interchange of Government Employees" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-65)**

(H.P. 395) (L.D. 553) Bill "An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at Least 30 Points a Guaranteed Moose Permit" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-68)**

(H.P. 477) (L.D. 686) Bill "An Act To Remove Restrictions on the Membership of Regional Water Councils" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-75)**

(H.P. 601) (L.D. 852) Bill "An Act To Make Changes to the Maine Liquor Liability Act" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-80)**

(H.P. 723) (L.D. 1021) Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-67)**

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

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

ENACTORS

Emergency Measure

An Act To Extend the Legal Hours for Harvesting Lobster

(H.P. 15) (L.D. 14)

(C. "A" H-35)

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

Acts

An Act To Provide a Sales Tax Exemption for Career and Technical Student Organizations

(S.P. 28) (L.D. 79)

(C. "A" S-27)

An Act To Require All Moped Riders under 18 Years of Age and Newly Licensed Moped Operators To Wear a Helmet

(H.P. 86) (L.D. 118)

(C. "A" H-36)

An Act Regarding the Funding of Volunteer Fire Departments

(H.P. 108) (L.D. 150)

(C. "A" H-46)

An Act To Establish the Seaweed Fisheries Advisory Council and To Enhance the Management of the Seaweed Fishery

(H.P. 275) (L.D. 369)
(C. "A" H-34)

An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License

(S.P. 129) (L.D. 388)
(C. "A" S-25)

An Act To Modify the Amount of Product Samples of Malt Liquor, Wine or Spirits That May Be Provided to Retail Licensees

(S.P. 142) (L.D. 415)

An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner

(H.P. 378) (L.D. 534)

An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992

(H.P. 428) (L.D. 612)
(C. "A" H-44)

An Act To Ensure Appropriate Training for Harbor Masters

(H.P. 438) (L.D. 622)
(C. "A" H-33)

An Act To Conform Maine Law Regarding Insurer Privacy Notices to Federal Law

(S.P. 220) (L.D. 658)

An Act To Authorize Moving the Town Line between Baileyville and Baring Plantation

(S.P. 331) (L.D. 992)
(C. "A" S-26)

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 Thursday, April 20, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (3) **Ought Not to Pass** - Committee on **TRANSPORTATION** on Bill "An Act To Allow the Formation of Transportation Corridor Districts"

(S.P. 161) (L.D. 500)

- In Senate, Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

TABLED - April 6, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, on motion of Representative McLEAN of Gorham, the Majority **Ought to Pass** Report was **ACCEPTED**. The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-38)** - Minority (5) **Ought Not to Pass** - Committee on

TRANSPORTATION on Bill "An Act To Allow Learner's Permits To Be Issued by Driver Education Schools"

(H.P. 626) (L.D. 877)

TABLED - April 19, 2017 (Till Later Today) by Representative GRANT of Gardiner.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative McLEAN of Gorham 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 Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in support of the pending motion. Representative Hanington, of Lincoln, and I were approached by a group of rural Maine driving schools to undo changes to the learner's permit process enacted in the prior Legislature. This bill, "An Act To Allow Learner's Permits To Be Issued by Driver Education Schools," seeks to allow driving schools to once again issue the learner's permit to students who have actually completed the requirements to begin student driving. This bipartisan legislation simplifies the lives of rural parents and students. It's optional for the driving schools, and it's supported by the Secretary of State's office and the Bureau of Motor Vehicles. As the most rural state in the nation, proposed legislation works best when it takes into consideration the extreme difference in population density from south to north. Testimony received in committee heavily favored support of LD 877 by legislators, instructors, students, and the Bureau of Motor Vehicles. The process included input from rural driving schools, parents, and students. As a result of changes enacted in the 126th Legislature, driver education schools are no longer able to issue learner's permits. The process to obtain a learner's permit now requires that a teenager complete a driver education course. Upon completion of the course and written exam, the teenager must go to a Bureau of Motor Vehicles office to complete the process for the learner's permit. Consequentially, more than 14,000 learner's permit applications for process had to be transferred to the Bureau of Motor Vehicles at the time the current law was enacted. This large number of learner permit transactions, formally handled by the schools, had to be moved to BMV Offices, increasing pressure on those offices. We are told that rural driving schools are hearing from many parents about family hardships incurred as a result. They talk about problems getting teenager student drivers to rural BMV Offices to apply for the learner's permit, especially with both parents working and students involved in after-school activities. For some families, missed work time to get a teenager to the BMV during business hours means lost pay. Additionally, the delay between completion of the course requirements and finally being able to get to a motor vehicles office may cause driving students to lose some of what was learned in class. I hope you will agree with me that making this change is the right thing to do. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Thank you, Madam Speaker. Thank you for allowing me to speak on this. In our driver's education world, many parents have to after they receive their

permit, after they receive their certificate, then the parents have to drive maybe an hour, hour and a half to take and get their child a permit. Every dollar counts nowadays. Every dollar for the parents, it might be a single mom, it might be a single dad to take time out of their heavy work schedules to drive to Augusta, or to drive to Rumford, or to drive to Bangor. Maine is still a very rural state north of Portland. And we need to help our parents and as elected officials, all of us, that's what we are here to do, is help our constituents, to help our people, to help our people from Maine to make a little bit more money to make life a little bit easier. Back long ago, a number of people from another committee said, "Jeez, they don't want to do this. They don't want to hire anybody extra to issue permits." The system the Secretary of State has in line, all set up, it would be very easy and very cost efficient. Thank you, Madam Speaker, for allowing me to speak.

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

Representative **TUELL**: Thank you, Madam Speaker. I also rise in support of this legislation and I think that's quite ironic given that I could never get a driver's license. Having said that, I did work in the local location where our BMV Office rented space. And routinely, what you would see is, you would see people lined up, up and down the hall, waiting in line patiently to get their driver's license, get it renewed, get a driver's test, whatever the case may be. And you would hear all this chatter in the hall and it was, routinely, you would hear parents saying they had to take a day off from work, and whatnot, to go take their kid to this driver's to finish up. So, I guess what I would say is a lot of the rural areas don't have a fulltime BMV Office. They have a mobile office and sometimes they have to set an appointment up and it really is quite harder than I think it needs to be. So, I will be supporting this. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I stand in support of LD 877 as a win-win. As someone who is careful when spending taxpayers' money, I see the first win: less time for BMV employees. And as the mother of five children, I see the second win: less time commitment for parents and children with busy schedules. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. First of all, I'd just like to bring to your attention my daughter got her permit two days and she was going to miss the mobile office when it comes to Lincoln once a month, well, at the Congo Church. So she, as most teenagers, you're impatient. So yes, we spent a hundred dollars. We could afford it. Jean took off time, Sarah took off time from school and she went to Bangor and she got her permit. But as the good Representative Schneck mentioned, he and I was approached, and this was the same bill that was put in last year and it was defeated by the rural driver's education schools. The owners of these schools came to us in hopes that we could submit legislation to undo the burdensome changes made to the learner's permit process enacted by the prior Legislature in the 126th. LD 877 would once again allow learner's permits to be issued by the driver's education school, once students have successfully completed the requirements to begin student driving. This bill is bipartisan and it makes it easier on parents who have children that are of age to begin driving. Under current law, driver education

schools are no longer allowed to issue learner's permits. In the past, driving schools were able to give students the test and upon successful completion, these students left the school with a permit in hand. Once again, once the student completes the course and passes a written exam, the student must go to the Bureau of Motor Vehicles to complete the process and collect their permit. This is burdensome. For some who live in rural areas of the state, the BMV are generally not right around the corner. Parents are forced to take off a day from work, in some cases a whole day, to bring their child to the BMV. Maine is one of the most rural states in the nation. This proposed legislation takes into account considerable differences between the more urban and rural portions of our state. It may be easy for parents to drive the child to the BMV in Portland, Lewiston or Bangor, but currently isn't easy in my neck of the woods. It is important to keep in mind that the BMV will still have the option and the authority to issue learner's permits, as this change is not mandatory for driving schools. The passage of LD 877 would remove the estimated 14,000 permit transactions from already strapped BMV Offices. Why not give the permitting process back to the schools that were able to efficiently process these transactions? This is going to be a, if this passes, this is going to be just the opt in or an opt out. And I feel that it would generally help, you know, the families that are strapped with income. Thank you.

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

Representative **PICKETT**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, every now and then a piece of legislation comes around that really does provide some real relief for our constituents. In this case, I think it provides relief for those in the rural areas of our state for the many reasons that have been stated by the previous speakers. This is one of those and I really think we owe it to these people with busy schedules, these people that are burdened to have to go and take time out of work and all the other things we've heard, to pass this bill and move it through to give them the relief they deserve. Thank you.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Madam Speaker. Madam Speaker, Men and Women of the House, I just want to let everyone know that Lincoln County does not have a motor vehicle branch office nor do we have a motor vehicle mobile unit location. Consequently, I will be supporting LD 877. Thank you very much.

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. 50

YEA - Ackley, Alley, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Fuller, Gattine, Gerrish, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Perkins, Picchiotti,

Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Babbidge, Bryant, Espling, Farrin, Fredette, Gillway, McLean, Parry, Reed, Wadsworth.

ABSENT - Austin B, Dillingham, Frey, Lyford, Perry, Turner.

Yes, 133; No, 11; Absent, 6; Excused, 1.

133 having voted in the affirmative and 11 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

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

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

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

Bill "An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce"

(S.P. 521) (L.D. 1492)

- In Senate, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

TABLED - April 20, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, in concurrence.

SENATE PAPERS

Bill "An Act To Improve Animal Control in Maine"

(S.P. 533) (L.D. 1508)

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

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

Bill "An Act To Amend Education Statutes"

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

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

On motion of Representative HERBIG of Belfast, **TABLED** pending **REFERENCE** in concurrence and later today assigned.

Bill "An Act Regarding Solar Power for Farms and Businesses"

(S.P. 529) (L.D. 1504)

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

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

Bill "An Act To Amend the Usage and Consumer Protections of Guaranteed Asset Protection Waivers"

(S.P. 531) (L.D. 1506)

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

(S.P. 532) (L.D. 1507)

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

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

Bill "An Act To Protect Consumers during Residential Construction"

(S.P. 535) (L.D. 1529)

Bill "An Act To Amend the Laws Governing Unemployment Compensation"

(S.P. 536) (L.D. 1530)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

REFERRED to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Create Consistency in the Regulation of Pesticides"

(S.P. 530) (L.D. 1505)

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

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

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

On motion of Representative DILLINGHAM of Oxford, the House adjourned at 12:11 p.m., until 10:00 a.m., Thursday, April 27, 2017, in honor and lasting tribute to Rodney Smith, of Oxford; David Enos Hamilton, Sr., of Bangor and Dedham; and Ted Heroux, of Belfast.