

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE  
SECOND REGULAR SESSION  
17th Legislative Day  
Thursday, March 1, 2018

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

Prayer by Reverend Diane Bennekamper, Congregational Church in Cumberland - United Church of Christ.

National Anthem by Shelby Thorman, Telstar Regional High School, Bethel.

Pledge of Allegiance.

Doctor of the day, Cathleen London, M.D., Milbridge.

The Journal of Tuesday, February 27, 2018 was read and approved.

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**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development" (EMERGENCY)

(H.P. 1255) (L.D. 1810)

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in the House on February 6, 2018.

Came from the Senate **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in **NON-CONCURRENCE**.

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

Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR**.

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

Representative **FREDETTE**: Thank you, Madam Speaker, and good morning. My understanding is that this is a Governor's Bill, and we all understand that wind and wind permitting is something that has been an issue in this state for the last 10 years, a fairly significant issue. But to the extent that the Chief Executive has put this bill in, and this is a bill which primarily affects rural Maine, this is not an issue that's going to affect Portland or Bangor or Lewiston; if we actually Adhere, as the original intent was, the reality is is that we are all but killing this bill between the bodies. And so by Receding and Concurring and having this bill actually go to the Energy, Utilities and Technology Committee, which is the proper place for this bill to be heard, then it would, in fact -- I'm sorry, to the Environment and Natural Resources Committee, then we are at least allowing the bill to be heard. To allow the bill to simply die between the bodies in a procedural move is a -- is disingenuous to the rural people of Maine that are the ones that actually have to live with and see these windmills, rightly or wrongly. And I just think it's just wrong of this body to say we are not going to give rural Maine their opportunity to have an opportunity to see a bill heard, and therefore I would ask you to support the Recede and Concur in support of rural Maine. Thank you, Madam Speaker.

Representative CHAPMAN of Brooksville moved that the House **RECEDE**.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, this matter has come before all of the Legislatures I've been a part of in the last seven and a half years, and it has been at very -- the topic area has at various times been referred to the Energy, Utilities

and Technology Committee and most recently was referred to the Agriculture, Conservation and Forestry Committee. I appreciate the comments made by the good Representative from Newport, Representative Fredette. At the same time, I think that there are other options available to us that might be the more prudent way to handle this topic area, and that's why I will be voting in favor of the motion on the floor to Recede which, if passed, would allow us to explore other options. Thank you, Madam Speaker.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in opposition to both of the last pending motions, because I agree with my friend from Newport, in his first statement. I do believe that Energy, Utilities and Technology is the correct Committee where this bill should be heard. It was that Committee, 10 years ago when I was first on it, that created the expedited territory. The language is in Title 35-A, which is very squarely under the purview of our Committee, and so I think it's very important that the House continue on the course that it has set and remain true to that initial direction. Thank you, Madam Speaker.

Representative GOLDEN of Lewiston **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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think we're all thoroughly confused at this point. I just sort of want to be clear, because we've had a motion to Adhere, a motion to Recede and Concur, and now my understanding is the motion pending is a motion to simply Recede and...which I understand to be is a motion to back up. Now, that then sort of leaves us with the "What's next?" question, and so maybe, at this point in time, I'm going to move to Table this item until later in today's session, so that maybe we could have an opportunity to discuss this --

The SPEAKER: The Representative will defer. If the Representative is offering a Tabling motion, one cannot speak to that. The Tabling motion has been offered.

On motion of Representative FREDETTE of Newport, **TABLED** pending the motion of Representative CHAPMAN of Brooksville to **RECEDE** and later today assigned. (Roll Call Ordered)

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**COMMUNICATIONS**

The Following Communication: (H.C. 450)

**STATE OF MAINE**

**CLERK'S OFFICE**

**2 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0002**

March 2, 2018

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

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

Education and Cultural Affairs

L.D. 334 An Act To Clarify the Uses of the Fund To Advance Public Kindergarten to Grade 12 Education

Energy, Utilities and Technology

L.D. 140 An Act To Authorize a General Fund Bond Issue To Support Entrepreneurial Activity, Attract Business and Enhance Demographic In-migration by Investing in High-speed Broadband Infrastructure and To Amend the Law Governing the Municipal Gigabit Broadband Network Access Fund (BOND ISSUE)

L.D. 1176 An Act To Ensure the Safety of Low-income Persons Who Are Deaf and Who Use Video and Captioned Phones by Providing Equitable Access to the Internet

L.D. 1373 An Act To Protect and Expand Access to Solar Power in Maine

L.D. 1686 An Act To Amend the Laws Regarding Distributed Energy Generation and To Eliminate Gross Metering (EMERGENCY)

Judiciary

L.D. 1793 An Act To Ensure Propane Delivery during Emergencies (EMERGENCY)

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 Reorganize the Bureau of General Services in the Department of Administrative and Financial Services"

(H.P. 1287) (L.D. 1850)

Sponsored by Representative PICKETT of Dixfield.

Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

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

Sent for concurrence.

**Pursuant to Statute  
Department of Education**

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1288) (L.D. 1851)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

The Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**Pursuant to Statute  
Department of Education**

Representative KORNFIELD for the **Department of Education** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1289) (L.D. 1852)

Be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and printed pursuant to Joint Rule 218.

The Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

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

**ORDERS**

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 60)

**ORDERED**, that Representative Richard T. Bradstreet of Vassalboro be excused February 22 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative David G. Haggan of Hampden be excused February 8 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Jeffery P. Hanley of Pittston be excused February 20 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Lloyd C. Herrick of Paris be excused February 27 for personal reasons.

**AND BE IT FURTHER ORDERED**, that Representative Mark W. Lawrence of South Berwick be excused February 20 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Richard G. Mason of Lisbon be excused January 23 for health reasons.

**AND BE IT FURTHER ORDERED**, that Representative Stephen J. Wood of Greene be excused February 22 and 27 for personal reasons.

**READ** and **PASSED.**

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-366)** on Bill "An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers"

(S.P. 610) (L.D. 1653)

Signed:

Senators:

BREEN of Cumberland

KATZ of Kennebec

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:

Senator:

HAMPER of Oxford

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-366)**.

**READ.**

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

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

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

The SPEAKER: 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. 496**

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

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

ABSENT - Collings, Grignon, Harvell, Herbig, Higgins, Johansen, Simmons, Ward, Wood.

Yes, 85; No, 57; Absent, 9; Excused, 0.

85 having voted in the affirmative and 57 voted in the negative, with 9 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-366)** 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-366)** in concurrence.

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

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Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino"

(S.P. 560) (L.D. 1590)

Signed:

Senators:

MASON of Androscoggin  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
DILLINGHAM of Oxford  
FARRIN of Norridgewock  
HANINGTON of Lincoln  
SCHNECK of Bangor  
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-365)** on same Bill.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CASÁS of Rockport  
HICKMAN of Winthrop  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth

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

**READ.**

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

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Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Appropriate Funds To Provide Sea Protection and Public Access to the Historic Whaleback Lighthouse in Kittery"

(H.P. 1090) (L.D. 1586)

Signed:

Senators:

HAMPER of Oxford  
BREEN of Cumberland  
KATZ of Kennebec

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-614)** on same Bill.

Signed:

Representatives:

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

**READ.**

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

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

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. The southernmost lighthouse in our state, of many lighthouses, is Whaleback Light. Built in the 1870s of interlocking Biddeford granite, it's one of the very few wave-swept lighthouses remaining in the nation. Whaleback is owned and maintained by the American Lighthouse Foundation based in Rockland, Maine. What this historic resource really needs is a landing dock. The foundation is asking for a one-time appropriation of \$150,000. It would be matched by a Federal Maritime Heritage Grant. The dock would allow both contractors and the public to land on this rock and tour the structure. It's part of our heritage, it's a great educational tool, and a boon to tourism in our state. Lighthouses, as navigational aids, sometimes have a green beacon. So, don't follow my light, follow Whaleback's light. Thank you, Madam Speaker, and I request a roll call.

The same Representative **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. 497**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant,

Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, 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, Sherman, 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, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor.

ABSENT - Grignon, Harvell, Herbig, Higgins, Simmons, Ward, Wood.

Yes, 80; No, 64; Absent, 7; Excused, 0.

80 having voted in the affirmative and 64 voted in the negative, with 7 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-614)** 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-614)** 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-615)** on Bill "An Act To Establish 2 Comprehensive Licenses for Hunting and for Hunting and Fishing"

(H.P. 548) (L.D. 768)

Signed:

Senators:

CYRWAY of Kennebec  
CARPENTER of Aroostook  
WOODSOME of York

Representatives:

DUCHESNE of Hudson  
ALLEY of Beals  
HARLOW of Portland  
MASON of Lisbon  
NADEAU of Winslow  
STEARNS of Guilford  
WOOD of Greene

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

Signed:

Representatives:

LYFORD of Eddington  
REED of Carmel  
THERIAULT of China

**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-615)** 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-614)** and sent for concurrence.

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Address Marine Debris Resulting from Commercial Activities" (H.P. 494) (L.D. 703)

Signed:

Senators:

MAKER of Washington  
BRAKEY of Androscoggin

Representatives:

ALLEY of Beals  
HAGGAN of Hampden  
HAWKE of Boothbay Harbor  
SUTTON of Warren  
TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-617)** on same Bill.

Signed:

Senator:

VITELLI of Sagadahoc

Representatives:

KUMIEGA of Deer Isle  
BLUME of York  
DEVIN of Newcastle

**READ.**

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **DEVIN**: Thank you very much, Madam Speaker. Madam Speaker, Colleagues in the House, marine debris, primarily plastics, is one of the top threats to our coastal waters in the Gulf of Maine. Whale entanglements, sea turtles mistakenly consuming plastic bags and pollution washing up on our shores are just some of the higher profile forms of plastic pollution. However, one of the most insidious forms of marine debris unseen by observers is micro-debris. Pollutants such as thiolates, PCBs, and PHAs Adhere to plastics. These toxic pollutants are concentrated on plastics and then ingested by zooplankton, which are at the bottom of the food well. The results of a study by Plymouth University reported that plastic was found in one-third of UK caught fish including cod, haddock, mackerel, and shellfish. A study from the highly respected *Journal of Science* analyzed fish stocks and plastics in the ocean. They forecast there will be more plastic than fish by weight in the ocean by 2050. Think about that. Marine debris, especially micro-debris, is a major problem which

affects our commercial fishing stocks and consequently us, the consumers of these fish. Maine needs to take a coordinated and comprehensive approach to address marine debris. LD 703 does just that. Thank you, Madam Speaker.

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

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The SPEAKER: The Chair recognizes the Representative from Brooksville, Representative Chapman, and inquires as to why he rises.

Representative **CHAPMAN**: I was trying to catch you before the gavel hit in order to request a roll call.

The SPEAKER: The Chair would respond that the vote is closed, the gavel has fallen. I did not see your light up.

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Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances" (H.P. 1043) (L.D. 1519)

Signed:

Senators:

MAKER of Washington  
BRAKEY of Androscoggin

Representatives:

ALLEY of Beals  
HAGGAN of Hampden  
HAWKE of Boothbay Harbor  
SUTTON of Warren  
TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-611)** on same Bill.

Signed:

Senator:

VITELLI of Sagadahoc

Representatives:

KUMIEGA of Deer Isle  
BLUME of York  
DEVIN of Newcastle

**READ.**

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Minority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties"

(H.P. 1154) (L.D. 1668)

Signed:

Senators:

DAVIS of Piscataquis

DESCHAMBAULT of York

Representatives:

GRIGNON of Athens

HARRINGTON of Sanford

MADIGAN of Rumford

PICKETT of Dixfield

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

Signed:

Representatives:

MARTIN of Sinclair

BEEBE-CENTER of Rockland

BRYANT of Windham

HOGAN of Old Orchard Beach

#### READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Minority **Ought to Pass** Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 498

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, 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, Warren, Zeigler, Madam Speaker.

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

ABSENT - Cebra, Grignon, Harvell, Herbig, Higgins, Simmons, Ward, Wood.

Yes, 81; No, 62; Absent, 8; Excused, 0.

81 having voted in the affirmative and 62 voted in the negative, with 8 being absent, and accordingly the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

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

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#### CONSENT CALENDAR

##### First Day

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

(S.P. 681) (L.D. 1814) Bill "An Act To Amend the Charter of the Lisbon Water Department" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(S.P. 673) (L.D. 1804) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell, Lease or Convey the Interests of the State in Certain Real Property Located in Augusta, Bangor, Bucksport, Limestone, Brookton Township, Penobscot County Unorganized Territory and Rockwood Strip Township Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-367)**

(H.P. 1265) (L.D. 1823) Bill "An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(H.P. 290) (L.D. 399) Bill "An Act To Revise Maine's Environmental Laws" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-613)**

(H.P. 1200) (L.D. 1720) Bill "An Act To Amend the Law Regarding Temporary Medical Allowances for Lobster and Crab Fishing License Holders" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-616)**

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

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

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**ENACTORS****Acts**

An Act To Improve the Effectiveness of the New Markets Capital Investment Credit

(H.P. 1240) (L.D. 1796)

An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources

(H.P. 1253) (L.D. 1807)

(C. "A" H-600)

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.

An Act To Create an Access to Justice Income Tax Credit

(H.P. 1168) (L.D. 1680)

(C. "A" H-601)

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

On motion of Representative GOLDEN of Lewiston, was **SET ASIDE**.

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

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

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

Representative **FREDETTE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I will start off by saying the obvious in regards to item 10-1, I am an attorney, and in any way shape or form might benefit slightly from this, and so therefore I'll be recusing myself from voting on this particular issue, but not in regards to speaking on it. The issue here is, and first of all as we have a unanimous Committee Report out of the Judiciary Committee, and the issue here at hand besides, the issue of the tax credit, is access to justice in rural Maine. Now, the reality is that we have a crisis in rural Maine. We have a crisis with physicians, we have a crisis for doctors, we have a crisis in many respects particularly in regards to the professions. Now, let me simply suggest to you a simple hypothetical question. We have a woman in rural Maine who is married, this is actually not that uncommon, has a couple of children, they're divorced, the marriage is broken down, is contemplating a divorce, maybe there's been some abuse in the marriage –

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Gardiner, Representative Grant, and inquires as to why she rises.

Representative **GRANT**: I have a Point of Order, a question.

The SPEAKER: The Representative may proceed.

Representative **GRANT**: With all due respect, if someone recuses themselves on an issue, is it appropriate for them to participate in the debate? It's just a question. Thank you.

On **POINT OF ORDER**, Representative GRANT of Gardiner asked the Chair if the remarks of Representative FREDETTE of Newport were germane to the pending question.

The SPEAKER: So, the Representative has announced that he would like to be recused from the vote, but he has not requested that recusal. Therefore, he has not been recused and he is still within the bounds of participating at this time.

The Chair advised Representative GRANT of Gardiner that Representative FREDETTE of Newport had not asked leave of the House to be excused from voting.

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. And, so, to move this along, quite frankly, the issue is this: oftentimes someone, whether it be someone in that particular situation, will contact the local attorney and say "How do I do a protection from abuse? I don't know how to do that. What are the steps and the procedures? What do I need to prove?" Now, reality is, particularly if you go to Aroostook County, most of the attorneys up there are age 60 and older. Lots of them are retiring, and there's no young attorneys moving in to Aroostook County to fill the gaps. Now, that's not just in Aroostook County, but you're seeing it in our rim counties, if you look at Piscataquis County, Washington County. Now, the market will to some extent fill that in, but my point is simply this: we have lots of needs in rural Maine, and one of those needs is access to justice. And there are many family issues, in particular. Maybe they're DHHS issues. When DHHS has removed children from homes and people need to be appointed to represent maybe the mother or the father in that particular situation, to protect their rights and/or the rights of the children. I don't suspect that we're going to have lawyers from Portland driving up to Fort Kent to take those sorts of cases. And I'll just remind people that the reimbursement rate for lawyers to work at state pay, for example, I think is \$50 an hour. That's far below the market price, folks. So, when we're talking about trying to -- how are we going to help rural Maine, and we do do that with dentists and do we do it with doctors? And, you know, lawyers are not a particularly popular profession, until you need one. So, I would suggest that this is one way in which we are trying to address rural Maine, and if it's a tax credit, and I understand and I can stand corrected if someone on the Committee wants to correct me, this is not a refundable credit. What that means is if you don't have enough income then you then will get a check back from the state, I think this only refers to a tax liability. So, there's no check actually coming back to the attorney, and so, while I'm not crazy about saying how we should take care of lawyers, in particular, I think this is one way in which we're actually recognizing a real need in rural Maine, and with that, Your Honor -- Madam Speaker, it -- Madam Speaker, Your Honor, if I may, please, I'm requesting now, if I may be recused from this vote.

Representative FREDETTE of Newport asked leave of the House to be excused from voting on L.D. 1680 pursuant to House Rule 401.12.

The SPEAKER: In reference to the Representative from Newport, Representative Fredette's request to be excused from this vote, the Chair would rule that this is not a conflict, that the member is free to vote. As we all know in this body, as a citizen legislature we are often in the position where we are voting on issues that affect a group or class of people, often of which all of us are members, and the bar for recusal is very high. It would have to pertain only to an individual themselves, or other specific matters. Therefore, the Member is free to vote.

The Chair did not grant the request.

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

Representative **STEWART**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As some of you probably know, I've grown up very close to the environment of the legal system, multi-generations of attorneys in my family, and I also

happen to be from Aroostook County. So, this issue is near and dear to me and the community that I live in and serve, and is one that I think needs to be addressed quickly.

The fact of the matter is it takes a long time for folks to, first of all, figure out if they're going to go to law school; if they're going to apply, to get in, if they're going to go there, for at least three years; they then have to sit for the bar. If all those things happen, you're talking a four or five year time period. Now, we may think that that's, you know, fine here, but the reality is when you step -- just walk into any courtroom in rural Maine, particularly in Aroostook County. You're hard-pressed to find a head of hair that isn't white or gray; and that's not because I'm the youngest one here, sorry to my older colleagues, but it is an important point. And I think as we talk about a number of different issues in this body, things like the opioid crisis, things like access to justice, domestic violence, you name it, you need an attorney to run that gamut. You need an attorney to help you navigate that process, and right now -- and I've asked this question before in other debates, what is the backlog that we're facing in rural Maine? I think that you'll find that wherever you go, it's pretty dense. And you shouldn't have to wait weeks or months to get a protection from abuse order because you can't find an attorney that isn't conflicted in a small town. But that's what's happening, right? These are real problems that we're facing and people that are contingent upon that other branch of government, and if we don't do our job here... and I don't know what exactly is going to be the silver bullet. I think it's going to take a number of different things, but this is certainly a piece of that. But, if we don't do our job here, that other branch of government isn't able to perform the way it is supposed to to serve the people that we represent. So, thank you very much for your consideration, Ladies and Gentlemen of the House.

The SPEAKER: The Chair will remind all Members to direct their comments towards the Chair. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. I rise in opposition to this bill. A quick Google search shows that Maine is not unique. Our neighbor, New Hampshire, has no state income tax and no sales tax, and they are having a tremendous problem recruiting and retaining lawyers in the rural parts of their state. Other states are having similar issues. National Public Radio has an article entitled "Lawyer Shortage in Some Rural Areas Reaches Epic Proportions", and the word epic is used routinely here in these articles. We also, as was mentioned previously, have a shortage of dentists, doctors, nurses, other professionals. I rise in opposition mainly because I do not like the carveout. I think that it has not shown that an income tax reduction is necessarily going to entice people to move to the rural parts of the state. I think we have to look at this in a different way, and I oppose the bill. Thank you.

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

Representative **COOPER**: Thank you, Madam Speaker. In Tax Committee we heard testimony from law students who had been selected to go to rural areas and to be mentored by practitioners in that area, and in fact one of the students testified before the Committee, and it was such a positive experience living in that kind of community and practicing in a small firm that he has decided that upon graduation that is where he will practice. Now, when you graduate from law school, you're not ready to advise clients. You need a mentor.

You need to be working with somebody who knows where the courthouse is, who knows the people that you need to talk to, and so forth. So, the idea of pairing these young lawyers through this program with older mentors who are on the verge of retirement is a very positive one. And, the second point that I'd like to make is that having an attorney in these communities is a matter of economic development. You cannot start a business without good legal counsel, and these matters are complicated, you do so without a lawyer at your peril; and so do not think of it as just an addition to the paycheck of existing lawyers, it's far from that. It's bringing in needed expertise to further the development of underserved communities. Thank you.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand opposed to this motion. There are a myriad of professions that could actually use tax credits. We have an aging population, and so why not just give everybody an income tax credit overall. I think about trying to get a plumber. I would love to have more plumbers, because it really is a bummer when you can't get your toilet fixed. That's all.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Madam Speaker. I simply want to comment that this tax strategy, of providing a credit, is one that has been very successful, currently in the program that we have for primary care physicians in rural areas; and that we are considering another bill to reinstate that program. And this is simply a similar program for people who come out of school with a high debt load, and the income tax credit might enable them to work in an area with lower salaries than other parts of the state, yet be able to pay back their debt. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Warren, Representative Sutton.

Representative **SUTTON**: Thank you, Madam Speaker. Fellow Members of the House, I rise in opposition to the pending motion. I love rural Maine but I choose to live in Midcoast Maine. I don't believe we need to be subsidizing people's lifestyle choices, nor do I like the idea of carving out special programs for special people. Thank you.

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

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Before I moved to the great neighborhoods of Portland, I was raised in Fort Kent, and my friend, the Representative from Presque Isle, mentioned a lack of younger lawyers going there in light of older ones retiring; and while I'm a little bit older than the Representative from Presque Isle, my hair's not too white. I pulled a couple out with tweezers yesterday... but, anyway, I have a friend I went to high school with who moved down to Portland, got a law degree, moved back to Fort Kent for that very matter, to serve people, and I would say that I think we do need to support this. It has become almost a crisis, and I believe there's about ten attorneys, I've been told anecdotally, that are serving and taking appointments up there for cases that people really need an attorney for, and so what's happening is, after a few years, the attorneys that are staying there will take on the bigger clients that pay more and not take on the cases that are matters of importance and justice. So, I think in that spirit, I think we should help support the people that choose to go in



the industry, and thank you for your consideration on that matter.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. Look, the reality is every day that we do business in this building, we don't necessarily choose winners and losers, but we do sometimes emphasize one particular category of people over another. I'll simply take a very simple example, looking at students in the STEM programs. We all recognize that we need a -- that there's a certain need that we have in the State of Maine in regards to STEM. And so, we have programs where we incentivize particular students and programs in regards to STEM. Now, at the same time, I'd like to be a lobsterman, but I will tell you that there is a very difficult process to become a lobsterman, and some would argue that the program to become a lobsterman is a little bit protectionist. I don't know if it is or not. But, you know, we have processes every day that we sort of pick and choose. I don't see this as an attorney/lawyer issue. What I see this as is a need in rural Maine that if we do not address the needs, as physicians, as dentists, as attorneys, then we will continue to see the dearth of people leaving rural Maine and going to either Portland or Boston. And so that's the reality, folks. I grew up in rural Maine, I live in rural Maine. When I started my law practice, a solo law practice, 25 years ago, we had six attorneys in town. We had a district court in Newport. We now have two attorneys in Newport. That's the reality, folks; and I ain't gonna be there much longer, probably. So, that's it. I mean, when you then don't have any lawyers in Newport, what do you do then? You shut down the district court. People then have to go to Skowhegan or they have to go to Bangor to get access to justice. Those are the decisions that we make here that, when we don't see the big pieces, we don't connect the dots, you start seeing mills closing because we're not connecting the dots. That's the big picture. And, Madam Speaker, I will only say, thank you for your ruling in regards to my request to recuse myself, and I will continue to now refer to you as Your Honor if I can continue to get good rulings. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As a member of the Tax Committee, it might surprise some in this house that I tend to be fairly conservative when it comes to tax policy. I see come before our Committee many bills with wonderful aspirations; aspirations that I might agree with on the face of them. But in the end, I determine that in protecting the taxpayers, in protecting fairness in our tax policy, sometimes tax policy is not always the place to address these issues. And so I approached this bill with, I must admit, a great deal of skepticism. Like many in this House, my first reaction was, "Lawyers? Seriously? I'm going to vote for a tax credit for lawyers?" But then I started looking, and I listened to the public testimony, and I listened to the people who came from the rural areas and I started thinking about this. Ladies and Gentlemen of the House, Madam Speaker, we do have successful programs for dentists and doctors, those have been alluded to. But there is something so foundational about access to justice that it made me sit up and look at this issue differently. It made me realize that if you live in a part of the state where if you are an accused person you might not have access to something that is so foundational to our rule of law,

to our way of life, that it really transcends one profession or another. Now, I agree that there are other things that we could and should be doing to incentivize folks in this profession and others to return to the counties, to go to rural Maine. We should have other programs. But this is one area that we have seen some success in attracting other professions, and I would ask my friends who are normally very skeptical of these kinds of tax credits to think of this tax credit differently. Our basic constitutional freedoms depend upon our being able to navigate our justice system, and to me this is much, much more important than anything else that we looked at this session. Thank you, Madam Speaker.

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

Representative **RECKITT**: Thank you, Madam Speaker. I had not intended to rise on this issue, but I think it's important that I do so in order to help you understand the critical role in the rural areas of this state that our attorneys supply for domestic violence victims. As I think you know, there are eight domestic violence resource centers around the state, and there is a significant one called the Hope and Justice Project in Aroostook County. But there are also in Aroostook County three courts, three shelters, and hundreds of people who need help. Many of them are helped by the Domestic Violence Resource Center, and some by staff who have been trained to help people with protective orders, while carefully dancing the line to try not to appear that they're an attorney, and get thrown into the clink or whatever happens to people that do that. But, in any case, it's so different from Portland, which is where, of course, my center had been, or it still is, it's just without me now. And, basically, we had a stable of volunteer lawyers that could pick up the slack for people who needed attorneys in the most life-threatening and serious situations having to do with domestic violence. I doubt that that is the case at all in Aroostook County. I can't tell you for certain, but I'm certain that they don't have the resources to hire an attorney to help with those cases. So, I think it's really important that we do everything we can to ensure that people have access to, whether it's protective orders or other kinds of justice, in this state in all sections of the state. And so, I rise in support of this initiative to help provide access to justice in the most rural areas of our state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker, Members of the House. I rise to support the legislation, and I do so based on what I've seen happening in rural Maine, especially where I am from. At the rate that we're going, we probably will have five lawyers left in about ten years, because most of them are ready to retire and to move on. We will need to figure out a way if we're going to have justice for people. There isn't a weekend hardly when I go home that I don't have someone call and said, "Would you help me find a lawyer?" because they will have called two or three and they can't take them. And so I'll end up making the call to -- begging lawyers, very often, to take a case, and that is really unfortunate. Now, I know I've been accused of practicing law without a license, and I make no apologies, because I will simply say you can't disbar someone that hasn't been barred. So, but I think that if that's all they have, in looking for advice from some of us, we try to provide it, but that is not the way justice ought to be provided. And I know that for some it may be a little help will bring them there and keep them in the rural parts of Maine, but if it were not for those programs we wouldn't have dentists, we wouldn't have lawyers -- I'm sorry, doctors, and other

professionals as well. I serve as chair of a health center, and we would not have that operation in Eagle Lake, Fort Kent, and Madawaska, if it were not for people who are there because they are paying off their mortgage or their loans to the federal government with grants that are coming from the federal government and from the state. And so I urge members, I know that it's tough sometimes to support lawyers, and I understand, but this is a time when, really, we should be.

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

#### ROLL CALL NO. 499

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Brooks, Bryant, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Handy, Hanington, Harlow, Harrington, Hawke, Herrick, Hickman, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Parry, Perry, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Sherman, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Wadsworth, Warren, White, Winsor, Zeigler, Madam Speaker.

NAY - Bradstreet, Chace, Craig, Dillingham, Gillway, Hamann, Head, Johansen, Lockman, Malaby, O'Connor, Ordway, Perkins, Picchiotti, Sampson, Seavey, Sirocki, Stetkis, Strom, Sutton, Tuell, Turner, Vachon.

ABSENT - Cebra, Grignon, Hanley, Harvell, Herbig, Higgins, Kinney M, Simmons, Wallace, Ward, Wood.

Yes, 117; No, 23; Absent, 11; Excused, 0.

117 having voted in the affirmative and 23 voted in the negative, with 11 being absent, and accordingly the Bill was **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:

#### SENATE PAPERS

The following Joint Order: (S.P. 699)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, March 6, 2018 at 10:00 in in the morning.

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

**READ** and **PASSED** in concurrence.

#### CONSENT CALENDAR

##### First Day

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

(H.P. 1247) (L.D. 1802) 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) Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1222) (L.D. 1773) Resolve, Directing the Bureau of Parks and Lands To Transfer Land in the Town of Pittston Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-620)**

(H.P. 1231) (L.D. 1786) Bill "An Act Regarding Maine's Liquor Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-619)**

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

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

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

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

Bill "An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development" (EMERGENCY)

(H.P. 1255) (L.D. 1810)

Which was **TABLED** by Representative FREDETTE of Newport pending the motion of Representative CHAPMAN of Brooksville to **RECEDE**. (Roll Call Ordered).

The SPEAKER: A roll call having been previously 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. 500

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Chace, Chapman, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Harlow, Harrington, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Lockman, Lyford, Malaby, Marean, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Tuell, Turner, Vachon, Wadsworth, White, Winsor.

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

ABSENT - Cebra, Grignon, Harvell, Herbig, Higgins, Kinney M, Simmons, Wallace, Ward, Wood.

Yes, 58; No, 83; Absent, 10; Excused, 0.

58 having voted in the affirmative and 83 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE FAILED**.

Subsequently, Representative GOLDEN of Lewiston **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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Your Honor, Madam Speaker. So, just so we understand -- just so we understand the posture of this, folks, again, this is a bill from the Chief Executive and it affects largely rural Maine. If we do not Recede and Concur, my understanding is we will then go back to the original motion, which will be the Adhere motion, which in all likelihood, if the Adhere motion then succeeds, the likelihood is the bill dies between the bodies. So, just to understand where you're voting and how you're voting on this, that's the likely result, and this bill will never see the light of day in Committee.

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. 501**

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

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

ABSENT - Cebra, Grignon, Harvell, Herbig, Higgins, Kinney M, Simmons, Wallace, Ward, Wood.

Yes, 63; No, 78; Absent, 10; Excused, 0.

63 having voted in the affirmative and 78 voted in the negative, with 10 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Representative CHAPMAN of Brooksville **REQUESTED** a roll call on the motion to **ADHERE**.

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

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

**ROLL CALL NO. 502**

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Herrick, 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 J, 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, Chace, Chapman, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Hilliard, Johansen, Kinney J, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, White, Winsor.

ABSENT - Cebra, Grignon, Harvell, Herbig, Higgins, Kinney M, Simmons, Wallace, Ward, Wood.

Yes, 79; No, 62; Absent, 10; Excused, 0.

79 having voted in the affirmative and 62 voted in the negative, with 10 being absent, and accordingly the House voted to **ADHERE**.

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

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

Representative **COLLINGS**: Madam Speaker, Honorable Madam Speaker, I would like the record to reflect, had I been here for Roll Call No. 496 pertaining to LD 1653, I would have enthusiastically voted yes.

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On motion of Representative AUSTIN of Skowhegan, the House adjourned at 12:05 p.m., until 10:00 a.m., Tuesday, March 6, 2018, pursuant to the Joint Order (S.P. 699) and in honor and lasting tribute to Barbara McCabe Sewell, of Lebanon; Sandra Joy Hight, of Skowhegan; Norma A. Grindle, of Orland; and Theodora Rico, of Scarborough.